02-1890-CD
LYNN A. SHARP vs. CANDACE A. EAZOR

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry
Lynn A. Sharp vs. Candace A. Eazor, Richard Eazor, Estate, Richard J. Eazor

Civil Other

Date		Judge
12/6/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge
1/3/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge
1/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge
1/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge
1/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
3/4/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Paul E. Cherry
3/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	John K. Reilly Jr.
5/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
9/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	John K. Reilly Jr.
12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Paul E. Cherry
1/9/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Paul E. Cherry
2/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Paul E. Cherry
2/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Paul E. Cherry
3/8/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Paul E. Cherry
	Certificate of Service, Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor, Richard Eazor, Estate, Richard J. Eazor

Civil Other

Date		Judge
3/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Paul E. Cherry
4/7/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Paul E. Cherry
4/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Paul E. Cherry
4/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Paul E. Cherry
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Paul E. Cherry
5/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Paul E. Cherry
5/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Paul E. Cherry
5/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Paul E. Cherry
6/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Paul E. Cherry
6/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Paul E. Cherry
6/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
7/2/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Paul E. Cherry
7/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Paul E. Cherry
7/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Permit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Paul E. Cherry
8/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Candace A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Paul E. Cherry
10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Paul E. Cherry

Civil Other

Date		Judge
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Paul E. Cherry
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Paul E. Cherry
11/2/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Paul E. Cherry
11/5/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Paul E. Cherry
11/18/2004	Filing: Appeal to High Court Paid by: Ferraro, R. Edward (attorney for Eazor, Candace A.) Receipt number: 1890587 Dated: 11/18/2004 Amount: $45.00 (Check) 1 Cert. with $60.00 check to Superior Court & 7 Cert. to Atty. Kruk.	Paul E. Cherry
	Proof of Service of Notice of Appeal, filed by Atty. Kruk 1 cert. to Superior and 7 cert. to Atty.	Paul E. Cherry
11/19/2004	Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC.	Paul E. Cherry
12/2/2004	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004, filed. No CC	Paul E. Cherry
12/6/2004	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed.	Paul E. Cherry
1/18/2005	Notice of Serving of Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor, served on Jan. 13, 2005, filed by s/ Eugene C. Sundberg, Jr., Esquire. no CC	Paul E. Cherry
3/11/2005	Request for Transcript, filed by s/Gregory Kruk, Esq. Three CC Attorney Kruk	Paul E. Cherry
3/23/2005	Order of the Superior Court of Penna., Upon consideration of appellant Eazor's March 15, 2005 "petition for reinstatement," the petition is GRANTED such that the instant appeal is REINSTATED. The original trial court record is due in theis court 40 days from the date of this Order. March 21, 2005 Per Curiam	Paul E. Cherry
3/24/2005	Motion To Consolidate Cases, filed by s/ William Weiler, Jr. Esquire. No CC	Paul E. Cherry

Civil Other

Date		Judge
3/24/2005	Praecipe For Entry of Appearance, filed on behalf of Candice A. Eazor. Filed by s/ William Weiler, Jr., Esquire. No CC, Copy to C/a	Paul E. Cherry
	Order, AND NOW, this 24th day of March, 2005, the court having been notified of Appeal to the Superior Court of Pennsylvania it is the ORDER of this Court that Appellant file a concise statement no later than founrteen daays herefrom, as set fforth in Rule 1925(b) of the Rules of Appellate Procedure. BY THE COURT, /s/ Paul E. Cherry, Judge. 1CC Attys: Hopkins, Sundberg, Ferraro.	Paul E. Cherry
3/29/2005	Transcript Of Proceedings filed. Motion For Partial Summary Judgement, Motion For Summary Judgemnt. Held before the Honorable Paul E. Cherry, Judge, on Monday, July 19, 2004.	Paul E. Cherry
	Transcript Of Proceedings filed. Held before Paul E. Cherry, Judge, on Tuesday, Jan. 6, 2004.	Paul E. Cherry
4/6/2005	Concise Statement of Matters Complained of on Appeal, filed by s/ Gregory M. Kruk, Esquire. 5CC to Atty	Paul E. Cherry
	Certificate of Service, Concise Statement of Matters Complained of on Appeal, on the 6th day of April 2005, to David J. Hopkins, Esquire, and Louis C. Schmitt, Jr., Esquire.	Paul E. Cherry
4/7/2005	Objections To Motion to Consolidate Cases, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC	Paul E. Cherry
4/11/2005	Order, AND NOW, this 8th day of April, 2005, upon consideration of the Motion to Consolidate Cases and any response thereto it is ORDERED that the motion to Consolidate Cases is denied. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Schmitt	Paul E. Cherry
6/16/2005	Opinion, filed. Cert. to Atty's Kruk, Sundberg, Hopkins and Schimtt.	Paul E. Cherry
6/22/2005	Appeal mailed to Superior Court with two transcripts June 22, 2005.	Paul E. Cherry
	Certified Mail Receipt, addressed to Superior Court of Pa-Proth.	Paul E. Cherry
7/11/2005	Certified Mail Receipt, addressed to Superior Court of PA, delivered June 23, 2005	Paul E. Cherry
5/19/2006	Certified from the Record: May 8, 2006 - Petition to Withdraw Appearance filed by Gregory Kruk, Esquire Order: NOW, this 17th day of may, 2006, upon consideration of the petition for withdrawal of appearance filed May 8, 2006, the same is hereby Granted	Paul E. Cherry
8/2/2006	Certificate of Contents of Remanded Record and Notice of Remand, filed. Date record is remanded is August 1, 2006. copy to Superior Court	Paul E. Cherry
	Memorandum and Judgment from Superior Court, Judgment revversed. Jurisdiction relinquished.	Paul E. Cherry
8/3/2006	Praecipe to Substitute Appearanace, filed by Atty. Weiler, Jr. no cert. copy to C/A Substitute Appearance for the Estate of Richard A. Eazor.	Paul E. Cherry
11/1/2006	Motion For Protective Order, filed by s/ Louis C. Schmit, Jr., Esquire. No CC	Paul E. Cherry

Civil Other

Date		Judge
11/20/2006	Order, NOW, this 6th day of Nov., 2006, upon consideration of the Motion for Protective Order, it is Ordered that defendant Lynn A. Sharp's Motion for Protective Order is Granted, and that the deposition of John C. Lyons, M.D., scheduled to take place on Nov. 15, 2006 shall be limited to purposes of discovery, only. By The Court, /s/ Paul E. Cherry, Judge. 1CC Atty. Schmitt	Paul E. Cherry
12/1/2006	Certificate of Readiness for Jury Trial, filed by s/ William Weiler, Jr., Esquire. No CC	Paul E. Cherry
12/4/2006	Motion To Strike Case From Trial List, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC	Paul E. Cherry
12/5/2006	Order AND NOW, this 4th day of December 2006, upon consideration of the Motion to Strike filed on behalf of defendant Lynn A. Sharp, and any response thereto, it is hereby ORDERED, ADJUDGED AND DECREED that the Certificate of Readiness is stricken, and this case is removed from the trial list. BY THE COURT: /s/ Paul E. Cherry, Jude. 4CC Atty Schmitt.	Paul E. Cherry
12/15/2006	Answer To Motion to Strike and Consent to Strike Case from Trial List, filed by s/ David J. Hopkins, Esquire. 1CC Atty. Hopkins	Paul E. Cherry
1/10/2007	Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21, filed by s/ David J. Hopkins Esq. NO CC. (In Re: Harold R. Cottle M.D., F.C.A.P., F.A.S.C.P.)	Paul E. Cherry
2/26/2007	Praecipe For Entry of Appearance, filed on behalf of Candace A. Eazor, by s/ Scott A. Millhouse, Esquire. No CC, copy to C/A	Paul E. Cherry
2/27/2007	Answer to Motion for Protective Order, filed by s/ David J. Hopkins, Esquire. No CC	Paul E. Cherry
2/28/2007	Motion For Protective Order, filed by s/William Weiler, Jr., Esquire. 1CC to Atty	Paul E. Cherry
	Order, NOW, this 28th day of Feb., 2007, Ordered that Motion of Candace A. Eazor, Executrix, is Granted. By the Court, /s/ Paul E. Cherry, Judge. 1CC to Atty.	Paul E. Cherry
5/7/2007	Certificate of Readiness for Jury Trial, estimated trial time 2 days. Filed by s/ William Weiler, Jr., Esquire. No CC	Paul E. Cherry
5/14/2007	Praecipe For Substitution of Party, Kindly substitute Richard J. Eazor as Administrator for the Estate of Richard A. Eazor, deceased, in place of Candace A. Eazor, pursuant to the Grant of Letters of Administration dated March 21, 2007. Filed by s/ William Weiler, Jr., Esquire. 1CC Atty. Weiler	Paul E. Cherry
6/4/2007	Praecipe For Entry of Appearance, filed on behalf of Richard J. Eazor, the Administrator for the Estate of Richard A. Eazor, deceased. Enter the Appearance of Ray F. Middleman, Esquire, William Weiler, Jr., Esquire and Malone Middleman. By s/ Ray F. Middleman, Esquire. No CC	Paul E. Cherry
6/11/2007	Praecipe For Entry of Appearance, filed on behalf of the Estate of Richard A. Eazor, enter appearance of Scott A. Millhouse, Esquire. Filed by s/ Scott A. Millhouse, Esquire. no CC	Paul E. Cherry
7/26/2007	Praecipe to Withdraw Appearance, on behalf of plaintiff Candace A. Eazor, Executrix, withdraw appearance of Meyer, Darragh, Buckler, Bebenek & Eck and Scott A. Millhouse. Filed by s/ Scott A. Millhouse, Esquire. No CC	Paul E. Cherry
8/22/2007	Joint Motion to Pay Money into Court and for Leave to Have Insurance Defense Counsel Withdraw, filed by. Atty. Sharp. No Copies.	Paul E. Cherry

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry
Lynn A. Sharp vs. Candace A. Eazor, Richard Eazor, Estate, Richard J. Eazor

Civil Other

Date		Judge
8/24/2007	✓ Motion to Opposition to Joint Motion to Pay Money into Court and for Leave to have Insurance Defense Counsel Withdraw, filed by Atty. Hopkins, 5 Cert. to Atty.	Paul E. Cherry

8-24-07 ✓ Order, dated 8-28-07

8-27-07 ✓ Consent Order

8-28-07 ✓ Consent order

10-4-07 ✓ Praecipe for withdrawal of Appearance

10-11-07 ✓ Praecipe for withdrawal of Appearance

11-6-07 ✓ Motion in Limine to Preclude Testimony of State Trooper Guy Battestilli

11-9-07 ✓ Order, dated 11-8-07

11-21-07 Order dated 11-20-07

11-29-07 Order, dated 11-29-07

Appeal Docket Sheet

Superior Court of Pennsylvania

Docket Number: 2013 WDA 2004

November 30, 2004

Lynn A. Sharp

v

Candace A. Eazor, Administrator of the Estate of Richard A. Eazor, Appellant

02-1890-CD

Candace A. Eazor, Administratix of the Estate of Richard A Eazor, Appellant

v

Lynn A. Sharp

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: November 29, 2004 Awaiting Original Record

Journal Number:

Case Category: Civil CaseType: Trespass

Consolidated Docket Nos.: **Related Docket Nos.:**

SCHEDULED EVENT

Next Event Type: Docketing Statement Received Next Event Due Date: December 14, 2004

Next Event Type: Original Record Received Next Event Due Date: January 10, 2005

RECORD

JUN 23 2004

PITTSBURGH OFFICE OF SUPERIOR COURT

Record, the parts the transcript

A3703965

FILED 10 cc

m/1:37/BA

DEC 02 2004

William A. Shaw

Prothonotary/Clerk of Courts

2013 WDA 2004

#40

Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 2013 WDA 2004

November 30, 2004

COUNSEL INFORMATION

Appellant Eazor, Candace A.
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:

Attorney: Sundberg, Eugene C.
Bar No.: 45733 Law Firm: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP
Address: Suite 300
300 State Street
Erie, PA 16507
Phone No.: (814)456-5301 Fax No.: (814)456-1112
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Attorney: Kruk, Gregory M.
Bar No.: 27048 Law Firm: Ferraro & Young
Address: 690 Main Street
Brockway, PA 15824
Phone No.: (814)268-2202 Fax No.:
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appellee Sharp, Lynn A.
Pro Se: Appoint Counsel Status:
IFP Status:

Appellee Attorney Information:

Attorney: Hopkins, David J.
Bar No.: 42519 Law Firm: Hopkins Heltzel, LLP
Address: 900 Beaver Drive
Du Bois, PA 15801
Phone No.: (814)375-0300 Fax No.: (814)375-5035
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Attorney: Schmitt, Louis Charles
Bar No.: 52459 Law Firm:
Address: P.O. Box 533
Hollidaysburg, PA 16648
Phone No.: Fax No.:
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 2013 WDA 2004

November 30, 2004

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
11/29/04	Notice of Appeal	60.00	60.00	2004SPRWD001505

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield
Division: Civil
Date of Order Appealed From: October 22, 2004
Judicial District: 46
Date Documents Received: November 29, 2004
Date Notice of Appeal Filed: November 18, 2004
Order Type: Order Entered
OTN:
Judge: Cherry, Paul E.
Judge
Lower Court Docket No.: No. 02-1890 CD
No. 48-2003-CD

ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
November 29, 2004	Notice of Appeal Filed	Appellant	Eazor, Candace A.
November 30, 2004	Docketing Statement Exited (Civil)		Valecko, Eleanor R.

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

02-1890-CD

Lynn A. Sharp
VS.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

In compliance with Pa. R.A.P. 1931 (c).

The documents compromising the record have been numbered from **No. 1 to No.** 53, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages compromising the document.

The date on which the record had been transmitted to the Appellate Court is June 22, 2005.

Prothonotary/Clerk of Courts

(seal)

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Paul E. Cherry
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	John K. Reilly Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	John K. Reilly Jr.
12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Paul E. Cherry
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Paul E. Cherry
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Paul E. Cherry
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Paul E. Cherry
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Paul E. Cherry
	Certificate of Service, Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Paul E. Cherry
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Paul E. Cherry
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Paul E. Cherry

Civil Other

Date		Judge
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Paul E. Cherry
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Paul E. Cherry
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Paul E. Cherry
05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Paul E. Cherry
05/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Paul E. Cherry
05/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Paul E. Cherry
06/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Paul E. Cherry
06/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Paul E. Cherry
06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Paul E. Cherry
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Paul E. Cherry
07/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Permit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Paul E. Cherry
08/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Candace A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Paul E. Cherry
10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Paul E. Cherry
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Paul E. Cherry
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Paul E. Cherry

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Paul E. Cherry
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Paul E. Cherry
11/18/2004	Filing: Appeal to High Court Paid by: Ferraro, R. Edward (attorney for Eazor, Candace A.) Receipt number: 1890587 Dated: 11/18/2004 Amount: $45.00 (Check) 1 Cert. with $60.00 check to Superior Court & 7 Cert. to Atty. Kruk.	Paul E. Cherry
	Proof of Service of Notice of Appeal, filed by Atty. Kruk 1 cert. to Superior and 7 cert. to Atty.	Paul E. Cherry
11/19/2004	Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC.	Paul E. Cherry
12/02/2004	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004, filed. No CC	Paul E. Cherry
12/06/2004	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed.	Paul E. Cherry
01/18/2005	Notice of Serving of Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor, served on Jan. 13, 2005, filed by s/ Eugene C. Sundberg, Jr., Esquire. no CC	Paul E. Cherry
03/11/2005	Request for Transcript, filed by s/Gregory Kruk, Esq. Three CC Attorney Kruk	Paul E. Cherry
03/23/2005	Order of the Superior Court of Penna., Upon consideration of appellant Eazor's March 15, 2005 "petition for reinstatement," the petition is GRANTED such that the instant appeal is REINSTATED. The original trial court record is due in theis court 40 days from the date of this Order. March 21, 2005 Per Curiam	Paul E. Cherry
03/24/2005	Motion To Consolidate Cases, filed by s/ William Weiler, Jr. Esquire. No CC	Paul E. Cherry
	Praecipe For Entry of Appearance, filed on behalf of Candice A. Eazor. Filed by s/ William Weiler, Jr., Esquire. No CC, Copy to C/a	Paul E. Cherry
	Order, AND NOW, this 24th day of March, 2005, the court having been notified of Appeal to the Superior Court of Pennsylvania it is the ORDER of this Court that Appellant file a concise statement no later than founrteen daays herefrom, as set fforth in Rule 1925(b) of the Rules of Appellate Procedure. BY THE COURT, /s/ Paul E. Cherry, Judge. 1CC Attys: Hopkins, Sundberg, Ferraro.	Paul E. Cherry
03/29/2005	Transcript Of Proceedings filed. Motion For Partial Summary Judgement, Motion For Summary Judgemnt. Held before the Honorable Paul E. Cherry, Judge, on Monday, July 19, 2004.	Paul E. Cherry
	Transcript Of Proceedings filed. Held before Paul E. Cherry, Judge, on Tuesday, Jan. 6, 2004.	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
04/06/2005	Concise Statement of Matters Complained of on Appeal, filed by s/ Gregory M. Kruk, Esquire. 5CC to Atty	Paul E. Cherry
	Certificate of Service, Concise Statement of Matters Complained of on Appeal, on the 6th day of April 2005, to David J. Hopkins, Esquire, and Louis C. Schmitt, Jr., Esquire.	Paul E. Cherry
04/07/2005	Objections To Motion to Consolidate Cases, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC	Paul E. Cherry
04/11/2005	Order, AND NOW, this 8th day of April, 2005, upon consideration of the Motion to Consolidate Cases and any response thereto it is ORDERED that the motion to Consolidate Cases is denied. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Schmitt	Paul E. Cherry
06/16/2005	Opinion, filed. Cert. to Atty's Kruk, Sundberg, Hopkins and Schimtt.	Paul E. Cherry

I hereby certify this to be a true and attested copy of the original statement filed in this case.

JUN 21 2005

Attest.

Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 02-1890-CD
Lynn A. Sharp
VS.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

ITEM NO.	*DATE OF FILING*	*NAME OF DOCUMENT*	*NO. OF PAGES*
01	12/06/02	Civil Complaint	07
02	01/03/03	Defendant's Preliminary Objections to Plaintiff's Complaint	05
03	01/23/03	Answer to Defendant's Preliminary Objections	04
04	01/29/03	Praecipe to Submit Verification	03
05	01/31/03	Sheriff Return	01
06	03/04/03	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d) (1)	06
07	03/17/03	Praecipe for Entry of Appearance on Behalf of Defendant	03
08	05/28/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
09	09/18/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
10	09/18/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
11	12/17/03	Order, Re: argument on Defendant's Preliminary Objections and Petition for Change of Venue rescheduled	01
12	01/09/04	Order, Re: Preliminary Objections and Petition for Change of Venue Denied	01
13	02/17/04	Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	06
14	02/18/04	Rule to Show Cause, Rule Returnable scheduled	02
15	03/08/04	Answer to Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	04
16	03/08/04	Certificate of Service, Answer to Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	01
17	03/17/04	Order, Re: Argument on Plaintiff's Petition to Coordinate Actions scheduled	01
18	04/07/04	Amended Complaint	05
19	04/19/04	Answer and New Matter	11
20	04/23/04	Order, Re: Hearing scheduled cancelled; counsel shall submit signed stipulation	01
21	04/23/04	Answer to New Matter	04
22	05/12/04	Order, Re: Hearing to show why parties shall not be held in contempt scheduled	01
23	05/26/04	Order, Re: Contempt hearing cancelled	01
24	05/27/04	Consent Order	03
25	06/22/04	Motion for Partial Summary Judgment	06
26	06/23/04	Rule Returnable, Rule issued	02
27	06/30/04	Motion for Summary Judgment and Rule to Show Cause filed July 2, 2004	05
28	07/15/04	Response in Opposition to the Motion for Partial Summary Judgment	66
29	07/23/04	Affidavit of Service, Request of Candace A. Eazor upon Lynn Sharp to permit inspection of vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq.	01
30	08/23/04	Notice of Serving Answers to Expert Interrogatories Directed to Candace Eazor	01
31	10/22/04	Order, Re: Motions for Summary Judgment and Partial Summary Judgment	03
32	10/29/04	Motion for Reconsideration	17
33	10/29/04	Certificate of Service, Motion for Reconsideration	02
34	11/02/04	Rule to Show Cause, Rule returnable scheduled	02
35	11/05/04	Objection to Motion for Reconsideration	07
36	11/12/04	Order, Re: argument on Objection to Motion for Reconsideration scheduled	03
37	11/18/04	Notice of Appeal to High Court	06
38	11/18/04	Proof of Service of Notice of Appeal	02
39	11/19/04	Affidavit of Service, Order dated November 10, 2004, upon Attorneys Kruk, Hopkins, and Sundberg	Original not in file
40	12/02/04	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004	03

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 02-1890-CD
Lynn A. Sharp
VS.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

ITEM NO.	*DATE OF FILING*	*NAME OF DOCUMENT*	*NO. OF PAGES*
41	12/06/04	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 02-1890-CD	276
42	1/18/05	Notice of Serving of Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor	01
43	3/11/05	Request for Transcript	08
44	03/23/05	Order of the Superior Court of Pennsylvania, Re: appeal reinstated	02
45	03/24/05	Motion to Consolidate Cases	07
46	03/24/05	Praecipe for Entry of Appearance	03
47	03/24/05	Order, Re: concise statement	01
48	03/29/05	Transcript of Proceedings, Motion for Partial Summary Judgment	Separate Cover
49	03/29/05	Transcript of Proceedings held before Honorable Paul E. Cherry, Judge, January 6, 2004	Separate Cover
50	04/06/05	Concise Statement of Matters Complained of on Appeal	04
51	04/06/05	Certificate of Service, Concise Statement	02
52	04/07/05	Objections to Motion to Consolidate Cases and Order filed April 11, 2005	05
53	06/16/05	Opinion	06

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

Lynn A. Sharp
Vs.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor
02-1890-CD

So full and entire as the same remains of record before the said Court, at **No. 02-1890-CD**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 29th Day of April, 2005.

Prothonotary/Clerk of Courts

I, **Paul E. Cherry,** Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw**, by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by proper officer.

Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **Paul E. Cherry,** Judge, by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this 22nd day of June, 2005.

Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DOCKET

LYNN A. SHARP, PLAINTIFF,	:	
	:	No. 02-1890-CD
v.	:	
CANDACE A. EAZOR, Administrator of the estate of Richard A. Eazor, DEFENDANT.	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CIVIL DOCKET

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, PLAINTIFF,	:	
v.	:	No. 48 C.D. 2003
LYNN A. SHARP, DEFENDANT.	:	

FILED
JUN 16 2005
0/4:00/cm
William A. Shaw
Prothonotary/Clerk of Courts
Cert to Atty Kruk, Sunoberg, Hopkins, Schmitt Law Library, Mikesell

OPINION

This opinion is in response to the appeal filed by Candace A. Eazor. (Plaintiff) alleging error in the Court's October 22, 2004 Order granting Lynn A. Sharp's (Defendant) Motion for Summary Judgment.

Defendant filed her Motion for Summary Judgment in Case No. 48 C.D. 2003[1] via Attorney Louis C. Schmitt, Jr. on June 20, 2004 following the June 22, 2004 filing of a Motion

[1] Case No. 48 C.D. 2003 originated in the Court of Common Pleas of Jefferson County with Lynn Sharp as defendant.

#53

for Partial Summary Judgment by Attorney David J. Hopkins on behalf of Defendant in her capacity as plaintiff in Case No. 02-1890-CD.[2]

After the submission of briefs and oral argument on the Motions for Partial Summary Judgment and for Summary Judgment, respectively, this Court issued an Order dated October 22, 2004 denying Defendant's Motion for Partial Summary Judgment in Case No. 02-1890-CD and granting her Motion for Summary Judgment in Case No. 48 C.D. 2003. After denial of Plaintiff's Motion for Reconsideration filed in Case No. 48 C.D. 2003, this appeal followed, in which Plaintiff alleges various errors in the Court's granting of summary judgment in Case No. 48 C.D. 2003.

It is axiomatic that in the context of a motion for summary judgment a court must resolve all doubts against the moving party and examine the record in a light most favorable to the non-moving party. Piluso v. Cohen, 764 A.2d 549, 500 (Pa.Super. 2000). Also clear is that summary judgment should only be granted in cases where it is clear and free from doubt that the moving party is entitled to judgment as a matter of law. Id. In responding to a motion for summary judgment, however, a non-moving party having the burden of proof at trial is required to "adduce sufficient evidence on an issue essential to its case and on which it bears the burden of proof such that a jury could return a verdict favorable to the non-moving party". Biernacki v. Presque Isle Condominiums Unit Owners Association, Inc., 828 A.2d 1114, 1116 (Pa.Super. 2003). It is because of Plaintiff's failure to meet this last burden, that the Court granted Defendant's Motion for Summary Judgment.

It is clear that Plaintiff met her burden in regard to a portion of her claim: i.e. she adduced sufficient evidence so that a jury could find in her favor as to the identity of the driver of the

[2] Case No. 02-1890-CD originated in Clearfield County with Lynn Sharp as plaintiff. The sole issue raised in Sharp's Motion for Partial Summary Judgment dealt with the issue of the identity of the driver in the case.

automobile at the time of the accident. However, it is also clear to the Court that Plaintiff has failed to meet this same burden on another point in which she would have the burden at trial: whether, assuming Defendant was the driver of the automobile, that she drove the automobile in a negligent manner, thereby causing the vehicle accident.

As an initial matter, the Court rejects the argument contained in Paragraph II of Plaintiff's Concise Statement of Matters Complained of on Appeal, namely that the Court erred in granting Defendant's Motion for Summary Judgment because the Motion was limited in scope. Plaintiff argues that Defendant filed only a Motion for Partial Summary Judgment. This is incorrect and the Court rejects the notion that it was limited in its consideration of what subjects to consider when making its ruling in regard to Defendant's Motion for Summary Judgment Case in No. 48 C.D. 2003. It is clear that the Defendant, in filing the motion in Case No. 48 C.D. 2003, was not merely joining in Attorney Hopkins' Motion for Partial Summary Judgment[3] but was instead filing her own separate Motion for Full Summary Judgment in regard to Case No. 48 C.D. 2003. Defendant may have indeed referenced and incorporated Attorney Hopkins' Motion for Partial Summary Judgment, but she in no way limited the Court's area of examination. All aspects of the case were therefore to be considered by the Court in making its decision, not merely those portions of the respective cases pertaining to the identity of the driver of the automobile at the time of the accident.

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[3] The Motion for Partial Summary Judgment filed by Attorney Hopkins in regard to Case No. 02-1890-CD was limited by its very terms to only the issue of the identity of the driver of the automobile at the time of the accident. Attorney Hopkins' Motion states in part:

> WHEREFORE, Plaintiff respectfully request this Honorable Court grant Plaintiff request for partial summary judgment on the issue of who was driving the motor vehicle and declare as a matter of law that Richard Eazor was the driver of the motor vehicle when it collided with the tree on the night of October 6, 2002.

Defendant's Motion for Summary Judgment contained no similar limiting language.

In support of her appeal, Plaintiff argues the existence of information sufficient to meet the evidentiary burden thrust upon a non-moving party by Biernacki. She alleges that this Court ignored this evidence and erred as a matter of law in granting Defendant's Motion for Summary Judgment. Plaintiff further argues that the Court erred in granting summary judgment in a case where Plaintiff claims discovery had not yet been completed.

Specifically, Plaintiff contends that this Court ignored the existence of deposition testimony of medical personnel who treated Defendant following the accident. Plaintiff is of the position that said deposition testimony would show that Defendant made repeated statements during the course of medical treatment indicating that she had consumed alcohol the evening prior to the accident. Plaintiff argues that this evidence would be sufficient on an essential issue such that a jury could find in Plaintiff's favor in regard to alleged negligent operation of the automobile at the time of the accident. The Court disagrees, as it is of the opinion that the said information, taken alone, does not appear to be admissible to defeat Defendant's Motion for Summary Judgment. Morreale v. Prince, 436 Pa. 51, 258 A.2d 508 (1969); Schwarzbach v. Dunn, 381 A.2d 1295 (Pa.Super. 1977). It is clear that in order to admit those statements into evidence, Plaintiff would have to adduce additional evidence indicating that Defendant exhibited signs of intoxication prior to, during, or after, the accident. Absent this additional evidence, it is clear to the Court that the statements made by Defendant about her alleged consumption of alcohol on the evening of the accident would be inadmissible to prove Defendant's alleged negligent operation of the automobile at the time of the accident. Pa.R.E. 403; Morreale, Id.; Schwarzbach, Id..

Plaintiff also accuses the Court of ignoring information contained in a police report filed by Trooper Guy A. Battestilli, which Plaintiff alleges indicate that Defendant had negligently

operated the automobile at the time of the accident. The Court is of the opinion that the statements contained in the report filed by Trooper Battestilli are inadmissible hearsay and therefore Plaintiff would be barred from presenting it to any fact-finder. Pa.R.E. 802. Trooper Battestilli did not observe the accident firsthand and he is not an accident reconstruction specialist; further, an accident reconstruction specialist was not called to the scene and did not contribute to the creation of the police report.

Plaintiff next argues that the Court's entry of Summary Judgment was premature in light of the fact that discovery in this case had not been closed. Plaintiff is correct in arguing that discovery had not been closed, however the Court feels it did not err in granting Summary Judgment. First, the Court notes that at no time prior to oral argument on July 19, 2004 did Plaintiff's Counsel raise the issue of outstanding discovery in regard to the issue of negligent operation of the automobile on the night in question. Further, the Court notes that Counsel for Plaintiff did not raise the issue of discovery in court on the July 19, 2004 hearing on the merits of the respective Motions for Partial and Full Summary Judgment.[4] Secondly, the Court notes that at the time it issued its October 22, 2004 Order, the Court was unaware of any outstanding discovery requests in Case No. 48 C.D. 2003 dealing with the issue of Defendant's alleged negligent operation of the automobile on the night of the accident, nor had it been made aware of any such request prior to July 19, 2004 hearing.

It is clear that a party must be given reasonable amount of time to pursue discovery. Kerns v. Methodist Hospital, 574 A.2d 1068 (Pa.Super. 1990). However, it is as clear that the various parties in this case were afforded ample time from the filing of the complaint in Case No.

[4] It is true, however, that the issue of discovery was raised during oral argument on July 19, 2004. However, it was Attorney Gregory M. Kruk, representing Cadence Eazor in her capacity as Defendant in Case No. 02-1890-CD, that raised this particular issue; nothing was said by counsel representing Ms. Eazor in her capacity as Plaintiff in Case No. 48 CD 2003 regarding the Ms. Sharp's Motion for Summary Judgment and the existence of a concern considering any wish for further discovery.

02-01890-C.D. to the date of the hearing on the merits of Defendant's Motion for Summary Judgment on July 19, 2004 (i.e. a period slightly in excess of nineteen months). It is apparent, however that discovery need not be closed in order for a court to successfully grant a party's motion for summary judgment. Indeed, it is clear that a motion for summary judgment may be granted despite *outstanding* discovery requests where "the information sought by the non-moving party would not have been germane to the issues presented by the movant." Burman v. Golay and Company, Inc., 616 A.2d 657 (Pa.Super. 1992). In the present case, the Court was not even presented with the factual situation of having outstanding discovery requests at the time it considered Defendant's Motion for Summary Judgment. The parties had sufficient time in which to conduct discovery, or at the very least raise a discovery-based objection to Defendant's Motion in Case No. 48 C.D. 2003. Plaintiff failed to do so and likewise adduced no admissible evidence prior to the court's consideration of Defendant's Motion for Summary Judgment that would indicate that Defendant negligently operated the vehicle prior to the accident.

The Court therefore did not err in issuing its Order of October 22, 2004 in which it granted Defendant's Motion for Summary Judgment in Case No. 48, C.D. 2003.

By the Court

Paul E Cherry

Judge

Date: June 15, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,

Defendant

No. 02-1890-CD

FILED no cc
m/11:20/BK
APR 07 2005 GK
William A. Shaw
Prothonotary/Clerk of Courts

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,

Plaintiff,

vs.

LYNN A. SHARP,

Defendant

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PA
CIVIL DIVISION

No. 48 C.D. 2003

ISSUE: **Objections to Motion to Consolidate Cases**

Filed on behalf of Defendant

Counsel of Record for Defendant:
McIntyre, Dugas, Hartye, & Schmitt
Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581 Phone
(814) 696-9399 Fax

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 4th DAY OF **APRIL, 2005**.

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LYNN A. SHARP,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:	
Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 C.D. 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

ORDER OF COURT

AND NOW, this 8th day of April, 2005, upon consideration of the Motion to Consolidate Cases and any response thereto, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion to Consolidate Cases is denied.

BY THE COURT:

Paul E. Cherry
J.

FILED (60)
01/4:00 BY Atty Schmitt
APR 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

#52

FILED

APR 1 1 2005

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

OBJECTIONS TO MOTION TO CONSOLIDATE CASES

AND NOW, comes LYNN A. SHARP, in her capacity as a defendant and files the following Objections to Motion to Consolidate Cases saying as follows:

1. Admitted. However, by way of further answer, case No. 48–2003–CD has been dismissed on summary judgment, and cannot be consolidated with case No. 2002–1890–CD.

2. Admitted.

3. Admitted. However, case No. 48–2003–CD has been dismissed on summary judgment.

4. Admitted. However, case No. 48–2003–CD has been dismissed on summary judgment.

5. Admitted.

6. Admitted.

7. Denied. To the contrary, case No. 48–2003–CD has been dismissed in its entirety, and cannot be consolidated with case No. 2002–1890–CD.

8. Neither admitted nor denied. However, case No. 48–2003–CD has been dismissed on summary judgment, and cannot be consolidated with case No. 2002–1890–CD.

9. Denied. To the contrary, case No. 48–2003–CD has been dismissed in its entirety on summary judgment.

10. Denied. Case No. 48–2003–CD has been dismissed in its entirety on summary judgment.

11. Denied. Lynn A. Sharp was the only party defendant in Case No. 48–2003–CD, and thus this Honorable Court's October 22, 2004 Order was final and appealable. It is totally improper for the party whose claims were dismissed on summary judgment in that action to now attempt to circumvent the appellate process in that case by attempting to consolidate it with another action, and to have this Honorable Court declare its October 22, 2004 Order to be non-appealable, nunc pro tunc. The October 22, 2004 Order of Court was final, appealable, and appealed from. Accordingly, pursuant to Pa. R.A.P. 1701(a), this Honorable Court does not have jurisdiction to grant the relief requested by way of the Motion to Consolidate.

WHEREFORE, defendant Lynn A. Sharp respectfully requests that this Honorable Court deny the Motion to Consolidate Cases.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant,
LYNN A. SHARP

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. NO. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

N THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Concise Statement of Matters Complained of on Appeal filed on behalf of Candace A. Eazor, Administratrix, was forwarded by First Class Mail, Postage Prepaid, on the 6th day of April, 2005, to all counsel of record, addressed as follows:

DAVID J. HOPKINS, ESQ.
900 Beaver Drive
DuBois, PA 15801

LOUIS C. SCHMITT, JR., ESQ.
PO Box 533
Hollidaysburg, PA 16648

FILED

APR 06 2005

William A. Shaw
Prothonotary/Clerk of Courts

at 51

EUGENE C. SUNDBERG, JR., ESQ.
Suite 300, 300 State Street
Erie, PA 16507

I also certify that a true and correct copy of the Concise Statement of Matters Complained of on Appeal filed on behalf of Candace A. Eazor, Administratrix, was hand-delivered to the following on the 6th day of April, 2005:

The Honorable Paul E. Cherry
Judge's Chambers
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

FERRARO, KRUK & FERRARO, LLP

BY: _____
Attorney for
Candace A. Eazor, Administratrix

EAZOR, RICHARD - CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL
cgm

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

TYPE OF CASE: CIVIL

TYPE OF PLEADING: CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

FILED ON BEHALF OF CANDACE A. EAZOR, ADMINISTRATOR OF THE ESTATE OF RICHARD A. EAZOR, PLAINTIFF

COUNSEL OF RECORD:
R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

GREGORY M. KRUK, ESQ.
Supreme Court No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

FILED

APR 06 2005
01:11:00/
William A. Shaw
Prothonotary/Clerk of Courts

5 cent to Atty

#50

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

CONCISE STATEMENT OF MATTERS COMPLAINED OF ON APPEAL

TO THE HONORABLE PAUL E. CHERRY, JUDGE OF SAID COURT:

AND NOW, comes the Appellant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Appellant in the case filed for Appeal with the Superior Court, being the case identified as No. 48 – 2003 – CD in the Court of Common Pleas of Jefferson County, Pennsylvania, and files this Concise Statement of Matters Complained of on Appeal in accordance with Rule 1925(b) of the Rules of Appellate Procedure, and pursuant to Order of this Honorable Court dated March 24, 2005, as follows:

I. Appellant Candace A. Eazor, Administratrix, contends that the Trial Court erred as a matter of law by granting Lynn A. Sharp's Motion for Partial Summary Judgment in that the Honorable Trial Court improperly applied the legal standard on the issue of establishing a prima facia case of negligence. Partial Summary Judgment should not have been granted on the issue of negligence. The Honorable Trial Court stated that Appellant failed to adduce any evidence that Lynn A. Sharp was negligently operating the automobile at the time in question and thereby caused the accident. Appellant believes that the Honorable Trial Court appeared to ignore the following:

(a) The Decision appears to totally ignore the official Police Report of Investigating Officer Trooper Guy A. Battestilli, which said Police Report was a part of his transcript testimony and of Lynn A. Sharp's Brief in Support of the Motion for Partial Summary Judgment wherein it is stated "Unit #1 was traveling North on SR 949 and came to a right hand curve. Unit #1 was traveling too fast to negotiate the curve (emphasis added)".

(b) Your Honorable Court's Decision also appears to ignore another portion of the Official Police Report wherein it is stated that "Operator #1 applied his brakes causing Unit 1 to skid. Unit #1 skidded across the Southbound lane and traveled onto the West berm. Unit #1 then struck a tree... (emphasis addeded)." This shows that the driver of the vehicle did not have the vehicle in control if it crossed out of its own lane into the other lane and off of the other side of the highway.

(c) Your Honorable Court's Decision also appears to ignore deposition testimony of Tammy Stansell where in it is stated on pages 15 (lines 19-25) and 16 (lines 1-21) that Lynn A. Sharp indicated to Tammy Stansell that she had been drinking alcohol earlier that evening.

II. The Honorable Lower Court granted a Motion for Summary Judgment on the issue of negligence, which was not an issue pled as part of the written Motions for Partial Summary Judgment. The Honorable Court's Decision granted a request which was not a part of the Motion for Partial Summary Judgment filed by Lynn A. Sharp in the Clearfield County Case at No. 02-1890-CD and **NOT** a part of the Motion for Summary Judgment filed by Lynn A. Sharp as Defendant in the Jefferson County Case at No. 48 CD 2003. The said Motions contained **NO REQUEST** that a grant of Summary Judgment be issued on the matter of the evidence showing negligence. The Motions were limited to the issue of the identity of the driver of the vehicle only.

III. The Honorable Trial Court improperly granted Partial Summary Judgment on the issue of negligence when discovery had not been completed on the issue of negligence and when the coordinated cases were not yet certified for trial or even placed on the Trial List. The discovery had not closed and the grant of Partial Summary Judgment was improper because it was not timely.

IV. The Honorable Trial Court's grant of the Motion for Summary Judgment on the issue of negligence was improper by the standards established by Pennsylvania Rule of Civil Procedure 1035.2 wherein Summary Judgment should be granted only in the clearest of cases and the Court is required to examine the entire record in the light most favorable to the party opposing the Motion. If an examination of the entire record in the light most favorable to the party opposing the Motion had been done, there was clearly sufficient documentation that the driver of the vehicle involved in this matter could have been found to be negligent by a jury and a prima facia case for negligence was made as stated herein in paragraph I of this Concise Statement of Matters Complained of on Appeal.

Respectfully submitted,
Ferraro, Kruk & Ferraro, LLP

BY: _____
Attorney for Appellant

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	
	:	
	:	
V.	:	NO. 02-1890-CD
	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor	:	

ORDER

AND NOW, this 24th day of March, 2005, the Court having been notified of Appeal to the Superior Court of Pennsylvania in the above captioned matter, it is the ORDER of this Court that Appellant file a concise statement of the matters complained of on said Appeal no later than fourteen (14) days herefrom, as set forth in Rule 1925(b) of the Rules of Appellate Procedure.

BY THE COURT,

PAUL E. CHERRY,
JUDGE

FILED 1cc Attys: Hopkins Sundberg Ferraro
04:00BH
MAR 24 2005
William A. Shaw
Prothonotary/Clerk of Courts

#47

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDICE A. EAZOR, EXECUTRIX,	**PRAECIPE FOR ENTRY OF APPEARANCE**
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDICE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD Coordinated but not Consolidated at Case No. 2002-1890-CD
v.	
LYNN A. SHARP,	**PRAECIPE FOR ENTRY OF APPEARANCE**
Defendant.	

Filed on Behalf of Plaintiff,
CANDICE A. EAZOR, EXECUTRIX

Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

20399 ROUTE 19 NORTH
SUITE 205
CRANBERRY TWP., PA 16066
724/776-3795

FILED No cc
MAR 24 2005 copy to CIA
William A. Shaw
Prothonotary/Clerk of Courts

#4L6

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDICE A. EAZOR, EXECUTRIX,	**PRAECIPE FOR ENTRY OF APPEARANCE**
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDICE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD Coordinated but not Consolidated at Case No. 2002-1890-CD
v.	
LYNN A. SHARP,	
Defendant.	

PRAECIPE FOR ENTRY OF APPEARANCE

To the Prothonotary, Michael Lamb:

Kindly enter my appearance on behalf of Candice A. Eazor, Executrix, in the above-captioned cases.

Respectfully submitted,

William Weiler, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served on the 24 day of March, 2005 upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Sarah Hineman, Esquire
Dickie McCamey
Two PPG Place
Suite 400
Pittsburgh, PA 15222

Respectfully submitted,

William Weiler, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED NO CC
m/11:35/BK
MAR 24 2005
GR
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

MOTION TO CONSOLIDATE CASES

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

Filed on Behalf of:
CANDACE A. EAZOR, EXECUTRIX

Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

20399 ROUTE 19 NORTH
SUITE 205
CRANBERRY TWP., PA 16066
724/776-3795

#45

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDACE A. EAZOR, EXECUTRIX,	
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

MOTION TO CONSOLIDATE CASES

AND NOW, comes Candace A. Eazor, Executrix of the Estate of Richard A. Eazor, deceased, by her attorney, William Weiler, Esquire, and files the following Motion to Consolidate the Coordinated actions filed in the above-captioned case.

IN SUPPORT THEREOF, the Executrix avers as follows:

1. The above-captioned cases arise from a one vehicle automobile accident occurring in Jefferson County, PA on October 6, 2002, in which Richard A. Eazor and Lynn A. Sharp were both admittedly occupants.

2. Lynn A. Sharp filed a Complaint against the Estate of Richard A. Eazor, deceased, on December 6, 2002, in the Court of Common Pleas of Clearfield County, at Case No. 2002-1890-CD,

alleging that the Decedent was the driver of the vehicle, and that his alleged negligence caused Sharp's injuries and damages.

3. The Estate, in turn, filed a Complaint against Lynn A. Sharp, on January 23, 2004, in the Court of Common Pleas of Jefferson County, at Case No. 48- 2003-CD, alleging that the Sharp was the driver of the vehicle, and that her alleged negligence caused the Decedent's injuries and damages.

4. On May 26, 2004, the Court of Common Pleas of Jefferson County issued a Consent Order coordinating the within actions in Clearfield County at Case No. 2002-1890-CD, pursuant to PA. R.C.P. Rule 213.1, for purposes of discovery and pre-trial matters.

5. The Jefferson County Consent Order specifically consolidated the actions for discovery and pretrial matters, but did not specifically consolidate the actions for trial.

6. Pursuant to Pa. R.C.P. Rule 213(a), this court has the authority to consolidate the within actions for all matters, to enhance judicial economy and to avoid unnecessary costs and delays.

7. The need for consolidation in this case is clear, as there is currently a Petition to Reinstate an Appeal filed in the Superior Court at Docket No. 2013 WDA 2004, appealing an Order entered in the Jefferson Co. Case No. 48-2003-CD by this Court on October 22, 2004, which granted partial Summary Judgment to Sharp, on, *inter alia*, the issue of whether Sharp acted negligently in any manner towards the Decedent.

8. It is imminently conceivable that the very same issue will arise at some point in the action originally filed in Clearfield County, which, because of the manner of presentation and/or the additional facts ascertained during the discovery process, would require this Honorable Court to enter Summary Judgment on behalf of the Estate, or allow a finder of fact to conclude that Sharp was in fact negligent in her actions toward the Decedent in some manner.

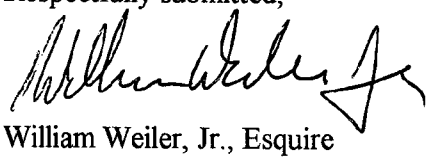
9. The actions filed and coordinated herein involve the central issue of whether Sharp or the Decedent was the driver of the motor vehicle at the time of the accident, and the failure to consolidate the within actions could allow separate fact finders to find in favor of opposite parties.

10. As the actions herein both arise from only one set of facts and accident, and because there could have only been one driver of this vehicle, the cases should be consolidated to prevent duplication of efforts and inconsistent rulings. *Bumberger by Hems v. Duff*, 634 A.2d 1162 (Pa. Cmwlth. 1993).

11. In the event the within Motion is granted, the Estate would further request this Honorable Court to designate its Order of October 22, 2004 a non-appealable interlocutory order until such time as all Motions for Partial and/or Summary Judgment have been heard by this Honorable, so as to not prejudice either the Estate or Sharp, and to allow the Superior Court to hear any pertinent appeals an all issues at one time.

WHEREFORE, Candace A. Eazor, Executrix, respectfully requests this Honorable Court to enter an Order consolidating the above-captioned cases for all matter, directing the Complaint of the Estate to be deemed a Counterclaim to the Complaint filed by Sharp, and further designating the Court's Order of October 22, 2004 to be an interlocutory Order.

Respectfully submitted,



William Weiler, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served on the 22nd day of March, 2005 upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
900 Beaver Drive
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

Sarah Hineman, Esquire
Two PPG Place, Suite 400
Pittsburgh, PA 15222

Respectfully submitted,

William Weiler, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE NO. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX, **CIVIL ACTION**

Plaintiff, CASE NO. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

ORDER OF COURT

AND NOW, this _____ day of March, 2005, upon Motion of Candace A. Eazor, Executrix, in the above-captioned case, it is hereby **ORDERED, ADJUDGED** and **DECREED**, as follow:

1. The above-captioned cases are hereby consolidated for all issues, including trial;

2. The Complaint originally filed by the Estate as Plaintiff in the Jefferson County action, is hereby designated to be the Counterclaim of the Estate to the Complaint filed by Sharp; and

3. This Court's Order of October 22, 2004, is hereby designated an interlocutory Order, and all appeals thereto shall be stayed until the entry of a final, appealable Order or Decree in the within

consolidated actions.

BY THE COURT:

_____J.

In the Superior Court of Pennsylvania

Sitting at Pittsburgh

FILED
m/2:34BN
MAR 23 2005
William A. Shaw GK
Prothonotary/Clerk of Courts

No. 2013 WDA 2004

Lynn Sharp

VS

Candace Eazor etc.

: Appeal from the order of 10-22-2004
By the Honorable Paul Cherry in the Court of
: Common Pleas, Civil Division
Clearfield County at No. 02-1890 CD
: And No. 48-2003-CD

:

Certified from the Record

March 15, 2005 Application to Reinstate Appeal

ORDER

Upon consideration of appellant Eazor's March 15, 2005 "petition for reinstatement," the petition is GRANTED such that the instant appeal is REINSTATED. The original trial court record is due in this court forty (40) days from the date of this order.

March 21, 2005 PER CURIAM

In Testimony Whereof, I have hereunto set my hand and the seal of said Court at Pittsburgh,

Pa. this 21ST Day of March 2005

Eleanor R. Valecko
Deputy Prothonotary

#44

SUPERIOR COURT OF PENNSYLVANIA

Lynn A. Sharp

No. 2013 WDA 2004

No. 02-1890-CD
No. 48-2003-CD

V

Candace Eazor etc.

March 23, 2005 Received from the Superior Court of Pennsylvania, sitting at Pittsburgh, in the above entitled Certified Copy Order of Court dated March 21, 2005

Receipt Acknowledged: _____ Date: 3/23/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

FILED 3cc Atty
0/2:20 Kruk
MAR 11 2005
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

TYPE OF CASE: CIVIL

TYPE OF PLEADING: REQUEST FOR TRANSCRIPT

FILED ON BEHALF OF CANDACE A. EAZOR, ADMINISTRATOR
OF THE ESTATE OF RICHARD A. EAZOR, PLAINTIFF

COUNSEL OF RECORD:
R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

GREGORY M. KRUK, ESQ.
Supreme Court No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

#43

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

REQUEST FOR TRANSCRIPT

A Notice of Appeal having been filed in this matter, with a request for a copy of the transcript pursuant to Rule 1911 incorporated into the Notice of Appeal, as shown by the attached copy of the Notice of Appeal filed November 18, 2004, the Official Court Reporter is hereby ordered to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

FERRARO, KRUK & FERRARO, LLP

By: _____
Attorneys for
Candace A. Eazor, Administratrix

Dated: 03-11-05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 18 2004

Attest.

Prothonotary/
Clerk of Courts

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, as Plaintiff in the above-captioned case in the Court of Common Pleas of Jefferson County, PA, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 22nd day of October, 2004. This Order has been entered in the docket as evidenced by the attached copy of the docket entry. The undersigned requests a copy of the transcript pursuant to Rule 1911.

FERRARO & YOUNG
Attorneys at Law

11.18.04

By: _____
Attorney for Plaintiff,
Candace A. Eazor, Administratrix

Gregory M. Kruk
PA Attorney ID No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Filed: 12/06/2002
Subtype: Civil Other

Physical File: Y Appealed: N

Comment:

Register of Actions

12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge,
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge,
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge,
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge,
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge,
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Cherry, Paul E.
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	Reilly, John K. Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	Reilly, John K. Jr.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Cherry, Paul E.
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Cherry, Paul E.
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Cherry, Paul E.
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Cherry, Paul E.
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Cherry, Paul E.
	Certificate of Service, Answer To Pertition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Cherry, Paul E.
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Cherry, Paul E.
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Cherry, Paul E.
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Cherry, Paul E.
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Cherry, Paul E.
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Cherry, Paul E.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Cherry, Paul E.
05/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Cherry, Paul E.
05/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Cherry, Paul E.
06/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Cherry, Paul E.
06/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Cherry, Paul E.
06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Cherry, Paul E.
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Cherry, Paul E.
07/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Premit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Cherry, Paul E.
08/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Cndance A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Cherry, Paul E.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Cherry, Paul E.
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Cherry, Paul E.
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Cherry, Paul E.
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Cherry, Paul E.
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Cherry, Paul E.

hereby certify this to be a true and attested copy of the original statement filed in this case.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED
m/12:30 BY
JAN 18 2005
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

NOTICE OF SERVING SUPPLEMENTAL ANSWERS TO EXPERT INTERROGATORIES DIRECTED TO CANDACE A. EAZOR

TO THE PROTHONOTARY:

Please take notice that on this the 13TH day of January, 2005, the undersigned has served Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor upon plaintiff, Lynn A. Sharp, in the above-captioned action.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Attorneys for Defendant, Candace A. Eazor,
Administratrix of the Estate of Richard A. Eazor,
Deceased
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor was mailed by first class mail, postage prepaid, or hand delivered this 13TH day of January, 2005, to all counsel of record and unrepresented parties in the above-captioned matter.

#42

2003-00048 CANDACE A EAZOR (vs) LYNN A SHARP

Reference No..:		Filed.....:	1/21/2003
Case Type.....:	CIVIL ACTION	Time.....:	12:00
Judgment.....:	.00	Execution Date	0/00/0000
Judge Assigned:		Jury Trial....	
Disposed Desc.:		Disposed Date.	0/00/0000
---------- Case Comments ----------		Higher Crt 1.:	
		Higher Crt 2.:	

General Index		Attorney Info
EAZOR CANDACE A ADMINISTRIX 508 NORTH COURT DUBOIS PA 15801	PLAINTIFF	FERRARO, R. EDWARD
SHARP LYNN A 416 MAPLE AVENUE DUBOIS PA 15801	DEFENDANT	HOPKINS, DAVID J

FILED
m/1:31/01
DEC 06 2004
William A. Shaw
Prothonotary/Clerk of Courts

* Date	Entries *
	- - - - - - - - - - - - - - - FIRST ENTRY - - - - - - - - - - - - - - -
1/21/2003	COMPLAINT W/NTC TO DEFEND. FLD BY EDWARD FERRARO, ESQ. CPS TKN. DS R400 F909-915
2/21/2003	SHERIFF'S RETURN: JANUARY 21, 2003 DEPUTIZED THE SHRF OF CLEARFIELD COUNTY TO SRV THE NTC & COMPLAINT UPON LYNN A. SHARP. MY COSTS: $38.60 DS R403 F640-641
3/03/2003	PRAECIPE FOR ENTRY OF APPEARANCE ON B/ OF DEFT FLD BY LOUIS C SCHMITT, ESQ. NO CPS DM R404 F2398-2399
3/17/2003	PRELIMINARY OBJECTIONS FILED BY LOUIS C SCHMITT, ESQ. ON BEHALF OF DEFT. C/C TA R405 F1682-1692 TA
3/17/2003	BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS FILED BY LOUIS C SCHMITT ESQ. ATTY FOR DEFT. C/C TA R405 F1693-1697 TA
3/17/2003	PRAECIPE FOR ARGUMENT FILED BY LOUIS C SCHMITT, ESQ., ATTY FOR DEFT C/C. TA R405 F1698-1699 TA
3/18/2003	ORDER FOR ORAL ARGUMENT SCHED FOR MAY 1, 2003 @ 11:00AM. CPS TO ATTY'S SCHMIDT AND ED FERRARO. DS. R405 F2488 TA
4/01/2003	AMENDED COMPLAINT W/NTC TO DEFEND. FLD BY EDWARD FERRARO, ESQ. CPS TKN. DS. R407 F1130-1136 DM
4/11/2003	PRELIMINARY OBJECTIONS TO PLAINTIFFS AMENDED COMPLAINT FLD BY LOUIS C SCHMITT, ESQ. C/C DM R408 F875-885 TA
4/11/2003	BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS TO PLAINTIFFS AMENDED COMPLAINT FLD BY LOUIS C SCHMITT, ESQ. C/C DM R408 F886-889 TA
4/11/2003	PRAECIPE FOR ARGUMENT FLD BY LOUIS C SCHMITT, ESQ. ON B/ OF DEFT C/C DM R408 F890-891 TA
5/01/2003	ORDER ; PA LAW RECOGNIZES NO FILIAL CONSORTIUM. TO THE EXTENT THAT PARAGRAPH 16(C) HAS MEANING IN REFERENCE TO FILIAL CONSORTIUM ,IT IS STRICKEN; THE PARAGRAPH STANDS AS TO WETHER THERE ARE ACTUAL OR PECUNIARY LOSSES. MOTION TO STRIKE PORTION OF PARAGRAPH 8(K) IS GRANTED

#41

2003-00048 CANDACE A EAZOR (vs) LYNN A SHARP

Reference No..:
Case Type.....: CIVIL ACTION
Judgment.....: .00
Judge Assigned:
Disposed Desc.:

Filed.....: 1/21/2003
Time.....: 12:00
Execution Date 0/00/0000
Jury Trial....
Disposed Date. 0/00/0000
Higher Crt 1.:
Higher Crt 2.:

---------- Case Comments ----------

CPS TO SCHMITT AND FERRARO DM
R409 F1999 KH

5/27/2003 NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF FLD BY LOUIS C SCHMITT, ESQ. NO CPS DM
R413 F635-636 KH

5/29/2003 NOTICE OF SERVICE OF RESPONSES TO PLTF'S REQUEST FOR PRODUCTION OF DOCUMENTS. FLD BY LOUIS SCHMITT, JR., ESQ. N/CPS DS.
R413 F1216-1217 KH

6/23/2003 NOTICE OF SERVICE OF SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFT DATED JUNE 20, 2003. FLD BY R. EDWARD FERRARO, ESQ. N/CPS. DS.
R414 F1923-1924 KH

6/23/2003 NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO DEFT DATED JUNE 20 2003. FLD BY R. EDWARD FERRARO, ESQ. ON B/OF PLTF. N/CPS DS.
R414 F1925-1926 KH

8/25/2003 NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSES TO PLTF'S SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS. FLD BY LOUIS SCHMITT, JR., ESQ. ON B/OF DEFT. N/CPS. DS.
R419 F1583-1584 DM

9/26/2003 MOTION TO COMPEL FLD BY LOUIS SCHMITT, JR., ESQ. ON B/OF DEFT. C/C. DS.
R421 F1699-1701 DM

9/26/2003 ANSWER AND NEW MATTER FLD BY LOUIS SCHMITT, JR., ESQ. ON B/OF DEFT C/C. DS.
R421 F1702-1709 DM

9/29/2003 ORDER: PLTF SHALL WITHIN 20 DAYS: FILE FULL, COMPLETE & RESPONSIVE ANSWERS TO DEFT'S INTERROGATORIES 2)FILE A FULL, COMPLETE & RESPONS IVE WRITTEN ANSWER TO DEFT'S REQUEST FOR PRODUCTION OF DOCUMENTS 3)PRODUCE ALL DOCUMENTS SOUGHT BY WAY OF DEFT'S REQUEST FOR PRODUCTION OF DOCUMENTS. CPS TO ATTY SCHMITT W/SLIP. DS.
R421 F2408 DM

10/13/2003 PLAINTIFFS RESPONSE TO DEFENDANTS NEW MATTER FLD BY R EDWARD FERRARO, ESQ. ON B/OF PLAINTIFF CPS TKN DM
R424 F404-407 DM

10/17/2003 REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATED 5/2 5/23/03 FLD BY LOUIS C SCHMITT, ESQ. ON B/OF DEFT NO CPS DM
R424 F1144-1241 DM

10/17/2003 INTERROGATORIES DIRECTED TO PLAINTIFF DATED 5/23/03 FLD BY LOUIS C SCHMITT, ESQ. ON B/OF DEFT NO CPS DM
R424 F1242-1317 DM

10/17/2003 NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND A RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFT FLD BY LOUIS C SCHMITT, ESQ. NO CPS DM
R424 F1318-1319 DM

2/24/2004 RULE TO SHOW CAUSE W/NOTICE: AND NOW THIS 18TH DAY OF FEBRUARY, 2004, A RULE IS HEREBY ISSUED UPON RESPONDENT, CANDACE A. EAZOR, TO SHOW CAUSE WHY THE PETITION SHOULD NOT BE GRANTED. RULE RETURNABLE THE 9TH DAY OF MARCH, 2004, FOR FILING WRITTEN RESPONSE. NO CPS. TA.

11/19/2004 CONSENT ORDER: JEFFERSON COUNTY CASE & CLEARFIELD CASE SHALL BE COORDINATED IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY. FLD BY DAVID HOPKINS, ESQ ON B/OF DEFT. C/RTND. DS

2003-00048 CANDACE A EAZOR (vs) LYNN A SHARP

Reference No..:
Case Type.....: CIVIL ACTION
Judgment.....: .00
Judge Assigned:
Disposed Desc.:

Filed.....: 1/21/2003
Time.....: 12:00
Execution Date 0/00/0000
Jury Trial....
Disposed Date. 0/00/0000
Higher Crt 1.:
Higher Crt 2.:

---------- Case Comments ----------

11/19/2004 PRAECIPE TO TRANSMIT RECORD TO THE PROTHONOTARY OF CLEARFIELD COUNTY. FLD BY GREGORY KRUK, ESQ ON B/OF PLTF C/TKN. DS

- - - - - - - - - - - - - - - - LAST ENTRY - - - - - - - - - - - - - - - -

Fees & Debits	Escrow Information Beg Bal	Pymts/Adj	End Bal
COMPLAINT	80.00	80.00	.00
COMPLAINT TAX	.50	.50	.00
COMPLAINT JCP	10.00	10.00	.00
COMPLAINT AUTO	5.00	5.00	.00
EXEMP/OUT OF CO	15.00	15.00	.00
	110.50	110.50	.00

End of Case Information

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

NOV 19 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 – CD

TYPE OF CASE: CIVIL

TYPE OF PLEADING – Praecipe

Filed on behalf of Plaintiff

Counsel of Record for this Party:
GREGORY M. KRUK, ESQ.
Supreme Court No.: 27048

FERRARO & YOUNG
Attorneys at Law
690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

Scanned

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

NOV 19 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 – CD

PRAECIPE

TO THE PROTHONOTARY OF SAID COURT:

Please transmit the record in the above captioned matter to the Prothonotary of Clearfield County, in accordance with the May 27, 2004 Consent Order of the parties, a copy of which is attached, and in accordance with the Notice of Appeal filed by Candace A. Eazor, Administratrix, in the above-captioned matter, a copy of which is attached.

FERRARO & YOUNG,
Attorneys at Law

Date: 11-18-04

By: _____
Attorney for Plaintiff

PRAECIPE EAZOR/ATF

ENTERED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED

NOV 19 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

No. 48 C.D. 2003

LYNN A. SHARP,
Defendant

Type of Pleading: Consent Order

Filed on behalf of: Lynn A. Sharp,
Plaintiff.

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 27 2004

Attest.

Prothonotary/
Clerk of Courts

A TRUE COPY
ATTEST:
PROTHONOTARY - CLERK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED

NOV 19 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

CONSENT ORDER

AND NOW, this 26th day of May, 2004, upon consent of the parties, it is hereby ORDERED and ADJUDGED as follows:

1. The Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1 filed by Lynn A. Sharp is hereby granted;

2. Court of Common Pleas of Clearfield County case of Lynn A. Sharp vs. Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor filed to Docket No. 2002-1890 C.D. and Court of Common Pleas of Jefferson County case of Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor vs. Lynn A. Sharp filed to

TRUE COPY
ATTEST: _____ PROTHONOTARY - CLERK

Docket No. 48-C.D. 2003 shall be coordinated in the Court of Common Pleas of Clearfield County;

3. All discovery and pre-trial matters in the coordinated cases shall be filed in Clearfield County using the caption of this Order;

4. The trial of the coordinated cases shall be heard in Clearfield County; and

5. All proceedings in the Court of Common Pleas of Jefferson County shall be stayed.

BY THE COURT,

/s/ Paul E. Cherry

JUDGE

I hereby consent to the form and entry of the within Order.

R. Edward Ferraro, Esquire

Eugene C. Sundberg, Jr., Esquire

Louis C. Schmitt, Jr., Esquire

David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 18 2004

Attest.

Prothonotary/
Clerk of Courts

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, as Plaintiff in the above-captioned case in the Court of Common Pleas of Jefferson County, PA, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 22nd day of October, 2004. This Order has been entered in the docket as evidenced by the attached copy of the docket entry. The undersigned requests a copy of the transcript pursuant to Rule 1911.

FERRARO & YOUNG
Attorneys at Law

11.18.04

By: _____
Attorney for Plaintiff,
Candace A. Eazor, Administratrix

Gregory M. Kruk
PA Attorney ID No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Filed: 12/06/2002
Subtype: Civil Other

Physical File: Y Appealed: N

Comment:

Register of Actions

12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge,
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge,
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge,
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge,
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge,
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Cherry, Paul E.
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	Reilly, John K. Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	Reilly, John K. Jr.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Cherry, Paul E.
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Cherry, Paul E.
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Cherry, Paul E.
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Cherry, Paul E.
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Cherry, Paul E.
	Certificate of Service, Answer To Pertition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Cherry, Paul E.
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Cherry, Paul E.
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Cherry, Paul E.
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Cherry, Paul E.
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Cherry, Paul E.
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Cherry, Paul E.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Cherry, Paul E.
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06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Cherry, Paul E.
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Cherry, Paul E.
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Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Cherry, Paul E.
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Cherry, Paul E.
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Cherry, Paul E.
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Cherry, Paul E.
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Cherry, Paul E.

hereby certify this to be a true and attested copy of the original statement filed in this case.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 C.D. 2003

TONYA S. GEIST
PRO. & CLERK of COURTS
NOV 19 2004
FILED

Type of Pleading: Consent Order

Filed on behalf of: Lynn A. Sharp,
Plaintiff.

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

MAY 27 2004

Attest.
ENTERED
Prothonotary/
Clerk of Courts

Scanned

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 C.D. 2003

FILED

NOV 19 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

CONSENT ORDER

AND NOW, this 26th day of May, 2004, upon consent of the parties, it is hereby ORDERED and ADJUDGED as follows:

1. The Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1 filed by Lynn A. Sharp is hereby granted;

2. Court of Common Pleas of Clearfield County case of Lynn A. Sharp vs. Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor filed to Docket No. 2002-1890 C.D. and Court of Common Pleas of Jefferson County case of Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor vs. Lynn A. Sharp filed to

ENTERED

Docket No. 48-C.D. 2003 shall be coordinated in the Court of Common Pleas of Clearfield County;

3. All discovery and pre-trial matters in the coordinated cases shall be filed in Clearfield County using the caption of this Order;

4. The trial of the coordinated cases shall be heard in Clearfield County; and

5. All proceedings in the Court of Common Pleas of Jefferson County shall be stayed.

BY THE COURT,

/s/ Paul E. Cherry

JUDGE

I hereby consent to the form and entry of the within Order.

R. Edward Ferraro, Esquire

Eugene C. Sundberg, Jr., Esquire

Louis C. Schmitt, Jr., Esquire

David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED

FEB 24 2004

TONYA S. GEIST
PRO. & CLERK of COURTS

LYNN A. SHARP,
Plaintiff

vs.

No. 02-1890-C.D.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

No. 48 C.D. 2003

LYNN A. SHARP,
Defendant

RULE TO SHOW CAUSE

AND NOW, this 18th day of February, 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Respondent, Candace A. Eazor, to Show Cause why the Petition should not be granted. Rule Returnable the 9 day of March, 2004, for filing written response.

Pursuant to Pa.R.C.P. 213.1(b), the matter of Candace A. Eazor vs. Lynn A. Sharp filed in the Court of Common Pleas of Jefferson County at Docket No. 48 C.D. 2003 is hereby stayed pending a resolution of this Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1.

ENTERED

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NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 15801
(814) 765-2641

BY THE COURT,

/s/ Paul E. Cherry

JUDGE

I hereby certify this to be a true and attested copy of the original statement filed in this case.

FEB 18 2004

Attest.

Prothonotary/
Clerk of Courts

FILED

OCT 17 2003

TONYA S. BEIST
PROTHONOTARY COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 - 2003-CD

NOTICE OF SERVICE

Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

FILMED
Roll # 424 Frame 1318

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

OCT 17 2003

TONYA S. GEIST
PRO & CLERK OF COURTS

NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT

TO PROTHONOTARY:

You are hereby notified that on the 17th day of October, 2003, Plaintiff served **Answers to Interrogatories and a Response to Request for Production of Documents Directed to Defendant** dated October 17, 2003 on Defendant by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Louis C. Schmitt, Jr., Esq.
McIntyre, Dugas, Hartye & Schmitt
PO Box 533
Hollidaysburg, PA 16648-0533

FERRARO & YOUNG
Attorneys at Law

BY: _____
Attorney for Plaintiff

Gregory M. Kruk, Esq.
Supreme Court No. 27048
690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

FILMED
Roll #424 Frame 1319

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

OCT 17 2003

TONYA S. GENT
PRO. & CLERK OF COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**INTERROGATORIES DIRECTED TO PLAINTIFF DATED MAY 23, 2003**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 23RD DAY OF MAY, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #424 Frame 1242

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA Case No.: 48 CD 2003 JURY TRIAL DEMANDED

FILED

OCT 17 2003

TONYA S. GEIST
PRO. & CLERK OF COURTS

INTERROGATORIES DIRECTED TO PLAINTIFF DATED MAY 23, 2003

AND NOW, comes Defendant, Lynn A. Sharp, by her attorneys, McIntyre, Dugas, Hartye & Schmitt, and pursuant to the Pennsylvania Rules of Civil Procedure propounds the following Interrogatories to be answered by Plaintiff, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, within thirty (30) days after service hereof:

INSTRUCTIONS AND DEFINITIONS

A. When used herein, the term "plaintiff", "you" or "your" means the plaintiff to whom these Interrogatories are directed, his/her employees, officers, representatives, agents and attorneys, or any other persons working for plaintiff.

B. If additional space is required in order to give complete answers, attach additional pages to the pages containing the corresponding Interrogatory.

C. If you are unable to answer any Interrogatory completely, so state, answer to the extent possible, set forth the reasons for your inability to answer more fully, and state whatever knowledge or information you have concerning the unanswered portion.

D. If you object to any Interrogatory herein, or any subparagraph or subpart of any Interrogatory, on the claim of privilege (attorney-client communications, work product or any other alleged privilege), for each such claim state:

(1) the date and place of the communication;

ENTERED

(2) the identity of each person who was present at or who participated in such communication;

(3) the type of communication;

(4) the general subject matter of the communication;

(5) the Interrogatory seeking the communication; and

(6) the privilege claimed.

E. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the Interrogatory inclusive rather than exclusive.

F. As used herein, words written in the singular include the plural and vice versa, words written in the masculine include the feminine and vice versa, and words written in the present tense include the past and future and vice versa.

G. These Interrogatories shall be deemed continuing in nature so as to require you to file supplemental answers should you obtain, directly or indirectly, additional or different information of the nature sought herein.

H. Each Interrogatory is intended to, and does, request that each and every particular and part thereof be answered with the same force and effect as if each part in particular were the subject of and were asked by a separate Interrogatory.

I. The term "document" as used herein is defined to include any and all manner of written, typed, reproduced, filmed, recorded or computer-stored material, and all photographs, pictures, plans or other representations or any kind or anything pertaining, describing, referring or relating, directly or indirectly, in whole or in part, to the subject matter of each paragraph or part of these Interrogatories, and the term includes, without limitation:

(1) papers, records, books, journals, ledgers, accounts, statements, memoranda, reports, invoices, worksheets, work papers, notes, transcriptions of notes, letters correspondence, communications, abstracts, checks, diagrams, plans, blueprints, specifications, pictures, drawings, films, photographs, graphic representations, diaries, calendars, desk calendars, pocket calendars, lists, logs, publications, advertisements, press releases, instructions, minutes, orders, bills,

purchase orders, messages, resumes, summaries, forecasts, graphs, charts, appraisals, analytical records, consultants' reports, brochures, pamphlets, circulars, trade letters, agreements, contracts, letters of intent, telegraphs, telexes, cables, recordings, audio tapes, magnetic tapes, visual tapes, transcriptions of tapes or recordings, computer tapes and cards or any other writings or tangible things on which any handwriting, typing, printing, audio, visual, photographic, or other forms of communication or information are recorded or reproduced, as well as all notations on the foregoing;

(2) originals and all other copies not absolutely identical; and

(3) all drafts (whether typed, handwritten or otherwise) made or prepared in connection with any document. For the purposes of the foregoing, "drafts" means any earlier part of a document whether or not such draft was superseded by a later draft or versions, and whether or not the terms of the draft are the same or different from the terms of the final document.

J. "Identity" or "the identity of" when used in connection with a natural person, means to state the full name, present business address, present home address, and the business capacity of that person during the time period that person was involved in the communications or events, or had knowledge or information of the facts, described in answer to these Interrogatories.

K. "Identify" or "the identity of" when used in connection with documents, means to state, in a form adequate for specific demand for production, information including the author(s), address(es), subject matter, date, custodian and location. Documents to be identified shall include documents in your possession, custody or control wherever located and other documents of which you or your representatives, subsidiaries or affiliates have knowledge.

Please note that any and all information obtained via these discovery requests shall be used and maintained pursuant to the requirements of the Health Insurance Portability and Accountability Act, otherwise known as HIPAA.

INTERROGATORIES

1. As to Plaintiff's decedent, please set forth the following information:

   (a) full name; RICHARD ALAN EAZOR

   (b) address as of the date of the incident giving rise to Plaintiff's Complaint; Game School Road, RR #1, Brockway, PA 15824

   (c) date of birth; June 29, 1959

   (d) Social Security number; 184-52-5367

   (e) educational background; Quit High School 10th or 11th grade

   (f) any other names under which he/she have been known; None

   (g) date and place of birth; June 29, 1959 - Aliquippa, PA

   (h) marital status as of date of death, and if married indicate when and where the marriage ceremony was performed; Never married

   (i) Have he/she ever been divorced? If so, list any divorces, and for each divorce, the date of the divorce, and the number and term of the case in which the divorce was granted; N/A

   (j) If he/she have been divorced, indicate the present name and present address of his/her former spouse; N/A

   (k) Indicate whether decedent had ever been arrested, indicted or convicted of a felony or crime, and offense or a misdemeanor;

   (l) If your response to the preceding subparagraph is in the affirmative, please set forth in detail the circumstances of his/her arrest, indictment and/or conviction.

ANSWER:

(k) (l) - Decedent was arrested and convicted for DUI approximately two (2) years ago in Clearfield County. He was jailed and then on probation when he died.

Also, he lost his license to drive for a while and that was years ago. I do not know any of the circumstances.

2. Please identify any other individuals beside legal counsel that you have consulted with respect to your answers to these Interrogatories.

ANSWER: No one

3. Please identify by name and address any other individuals whom you know to have direct knowledge or any facts relevant to this case.

ANSWER: Lynn Sharp and the other individuals who were deposed in the past few months at my lawyer's office in Brockway, PA.

4. If you have any knowledge of any statements of any parties in this case, please set forth:

(a) to whom the statement was made;

(b) from whom the statement was made;

(c) the date of any such statement:

(d) the substance of any such statement;

(e) the exact location of such statements, if written, and the custodians thereof.

ANSWER: William Cox and Rebecca Barraclough gave written statements to the investigating State Police Officer and they are part of the Police Report. Also, various individuals were deposed at my lawyer's office in Brockway, PA, in the past few months.

5. If you or Plaintiff's decedent have ever been a party to any litigation other than this case, please set forth the following with respect to each such litigation:

(a) the name and address of the Court in which the case was filed;

(b) the identities of the parties in the case;

(c) the date the case was filed;

(d) the outcome of the case.

ANSWER:

The only case in which I have been involved is my divorce from Bradley Marunycz in Elk County, PA, in approximately 1998. I have no knowledge of any cases involving Plaintiff's Decedent other than as stated in Question 1(k)(l).

6. If Plaintiff's decedent ever made any claim for bodily injury other than this case, please set forth the following with respect to each such claim:

(a) the date the claim was made;

(b) the nature of the claim;

(c) the name and address of any insurance company

(d) the outcome of the claim.

ANSWER:

I am not aware of any such claim.

7. If any person and/or entity has conducted an investigation of the facts underlying this lawsuit on behalf of the Plaintiff, please:

(a) identify each person or entity conducting or participating in such investigation, and describe what each person or entity did in connection therewith; JOHN DINGER interviewed witnesses & took pictures

(b) state the date and location of any such investigation;

(c) identify all documents prepared in connection with or as a result of such investigation and attach copies of all such documents to these answers;

(d) identify the exact location of the originals of any such documents and the custodian thereof.

ANSWER: (b) Interviews took place October 16 - 20, 2002 & April 9, 10, 16, 2003. Pictures taken October 24, 2002 & April 10, 2003 - Brockway, DuBois, Punxsutawney, Halton, Brookville, and Sigel.
(c) Reports dated October 22, 2002 & April 16, 2003. Copies are not attached. Plaintiff believes the documents are beyond the scope of discovery allowable under P.R.C.P. 4003.4 and are protected by the attorney/client privilege and/or Work Product Doctrine.
(d) Custodian is R. Edward Ferraro, Esq., 690 Main Street, Brockway, PA (15824)

8. Identify all persons known to Plaintiff who may have knowledge of any discoverable matter relating to this lawsuit, who are not identified by way of answers to any other Interrogatories.

ANSWER:
Brockway Ambulance personnel
DuBois EMS Ambulance personnel
DuBois Regional Medical Center

9. At what precise time of day did the incident complained of in the Plaintiff's Complaint occur?

ANSWER: See State Police Accident Report attached

10. To the Plaintiff's knowledge, what were the lighting conditions at the time and place of the incident set forth in the Complaint?

ANSWER: See State Police Accident Report attached

11. Has the Plaintiff, or anyone acting on his/her behalf, obtained any report, statement memoranda or testimony concerning the incident involved in this cause of action? If so, state:

ANSWER: A. Autopsy Report attached
B. Depositions taken at my lawyer's office in Brockway, PA, in past few months

12. Is the Plaintiff or any representative of the Plaintiff in possession of any photographs or persons, objects or any other matters or things involved in the occurrence of the incident, which is the subject matter of Plaintiff's Complaint?

ANSWER: Yes

13. If the Plaintiff's answer to the preceding Interrogatory is in the affirmative, please state:

(a) the date when such photographs were taken;

(b) the name and address of the person taking subject photographs;

(c) the objects or subjects depicted in each such photograph; and

(d) please attach photocopies of each such photograph to your answers to these Interrogatories.

ANSWER: (a) October 24, 2002; April 10, 2003; October 25, 2002
(b) John Dinger; William Cavalier
(c) Defendant's car; Scene of collision
(d) See attached

14. Does the Plaintiff contend that Plaintiff's decedent suffered physical injuries as a result of the incident giving rise to Plaintiff's Complaint?

ANSWER: Yes

15. If Plaintiff's answer to the preceding Interrogatory is in the affirmative, please describe those physical injuries which decedent suffered with specificity and in detail, setting forth as follows:

(a) the nature of the injury;

(b) the date and time when the injury occurred; and

(c) the manner in which the injury occurred.

ANSWER: (a) Blunt Force Trauma; Death
(b) October 6, 2002 approximately 4 - 5 A.M.
(c) Decedent was a passenger in a vehicle driven by Defendant Lynn Sharp when Lynn Sharp negligently crashed vehicle into a tree

16. With respect to the incident giving rise to Plaintiff's Complaint, please describe, with specificity and in detail, the exact manner in which said incident occurred; please include in your response the following:

(a) the exact location of the occurrence;

(b) the events immediately preceding the occurrence;

(c) the events of the occurrence itself;

(d) the events immediately following the occurrence.

ANSWER: The location is in the State Police Accident Report. Plaintiff's Decedent was a front seat passenger in a vehicle driven by Defendant. Defendant negligently crashed vehicle into a tree. Plaintiff's Decedent died of blunt force trauma injuries.

17. Please state whether the Plaintiff's decedent suffered any period of conscious pain at any time after the incident giving rise to Plaintiff's Complaint occurred, and if so, state:

(a) all facts which you allege in support of this contention;

(b) identify any documents which you allege support this contention;

(c) identify by name and last known address, all witnesses whom you allege support this contention.

ANSWER:

Decedent obviously suffered conscious pain after the wreck for at least 30 - 60 minutes or more. The injuries were severe enough to cause death. Rebecca Barraclough and Wiliam Cox were witnesses who arrived at the scene and then transported Decedent to Rebecca's family's house. Their testimony and the Autopsy Report support this contention.

18. Was the Plaintiff's decedent involved in any incident or accidents causing bodily injury or property damage within a period of ten (10) years immediately prior to the incident giving rise to Plaintiff's Complaint?

ANSWER: Not to my knowledge.

19. If your answer to the preceding Interrogatory is in the affirmative, please state:

(a) the date of each incident or accident;

(b) the location of each incident or accident;

(c) whether any injuries were received as a result of the incident or accident, and if so, describe with specificity and in detail any and all injuries;

(d) the name of any other practitioner or party involved in the incident or accident;

(e) the names and addresses of the doctors or other practitioners of the healing arts by whom Plaintiff's decedent was attended, examined, treated or consulted with respect to said injuries;

(f) the names and addresses of any hospitals, clinics or other institutions or facilities engaged in the healing arts in which Plaintiff's decedent was confined, examined, treated or observed, and the dates of such confinement, examination, treatment or observation;

(g) the name and address of any party against whom a claim was made or a lawsuit filed to recover for the injuries alleged to have been received in the incident or accident.

ANSWER: N/A

20. To the extent Plaintiff has not already done so, please set forth the names and present addresses of every doctor or other practitioner of the healing arts who has examined, treated, attended or consulted with Plaintiff's decedent for any reason during the ten (10) years prior to the incident giving rise to Plaintiff's Complaint.

ANSWER:

To my knowledge, Plaintiff's Decedent had Dr. Badamo and Dr. James Devlin of Brockway, PA, as his personal physicians but I have no knowledge if he consulted with them in the ten (10) years prior to October 6, 2002.

21. To the extent Plaintiff has not already done so, please set forth the names and addresses of all hospital, clinics or other facilities where Plaintiff's decedent has been examined, treated, attended or confined for any reason during the ten (10) years prior to the incident giving rise to Plaintiff's Complaint.

ANSWER: I am not aware of any.

22. Please set forth an itemized list of all losses, expenses, medical bills, hospital bills and any other items of special damage that Plaintiff alleges have been incurred as a result of the incident giving rise to Plaintiff's Complaint. If you are claiming medical expenses, for each healthcare provider, provide the amount actually paid and accepted as full payment for the medical services provided.

ANSWER: See Answer to No. 50

23. Please state the names, ages and relationships to Plaintiff's decedent of all persons currently residing with her during the twelve month period prior to the incident giving rise to the Plaintiff's Complaint.

ANSWER:

I believe "her" should be "him." If so, I believe Plaintiff's Decedent had Defendant and her children reside with him.

24. Please state the names, ages and relationships to you of all persons residing with you as of the date of the incident giving rise to Plaintiff's Complaint.

ANSWER:

This question as phrased is irrelevant because I am an Administratrix bringing this action because of Richard Eazor's death.

25. If Plaintiff's decedent was ever rejected for service with the Armed Services of the United States or a National Guard Unit because of physical disability, please state the nature of the physical disability, which caused the rejection and the date of said rejection.

ANSWER: N/A

26. Did the Plaintiff's decedent suffer from any physical impairments or disabilities at the time of the incident, giving rise to Plaintiff's Complaint?

ANSWER: Not to my knowledge

27. If the answer to the preceding Interrogatory is in the affirmative, please set forth with specificity and in detail the nature of each such physical impairment or disability.

ANSWER: N/A

28. Was the Plaintiff's decedent employed at the time of the incident giving rise to Plaintiff's Complaint, or within the preceding five years?

ANSWER: Yes

29. If the answer to the preceding Interrogatory is in the affirmative, please state the following:

(a) the nature of occupation;

(b) the name and address of employer;

(c) the duration of employment prior to the alleged injuries or damages giving rise to this lawsuit;

(d) rate of earnings per hour, day and month at the time of the alleged injuries or damages giving rise to this lawsuit;

(e) if employment was terminated, state the reason for said termination;

ANSWER: (a) General Manager; V P
(b) Dick Eazor Chevrolet-Pontiac, Inc.
200 Main Street
Brockway, PA 15824
(c) He started part time at age 15 or 16
(d) Weekly salary of $200 and monthly commission which varied based on vehicles sold
(e) Terminated by death October 6, 2002

30. Were any x-rays or other radiographic studies taken of any part of the Plaintiff's decedent's body as a result of the incident giving rise to Plaintiff's Complaint?

ANSWER: I am not aware of any

31. If the answer to the preceding Interrogatory is in the affirmative, please indicate when such x-rays were taken, where they were taken, and by whom.

ANSWER: N/A

32. Did Plaintiff's decedent file income tax returns during the five (5) year period leading up to and including the date of the incident, which is the subject of your Complaint?

ANSWER:
Yes, but I am in possession of only years 2000, 2001 and 2002. I do not know where he went to have prepared prior to 2000.

33. State the yearly income of the Plaintiff's decedent for the five (5) years preceding the incident giving rise to Plaintiff's Complaint.

ANSWER: 2000 - $31,341
2001 - $34,803
2002 - $30,214

34. Please state whether Plaintiff's decedent had public or private insurance, including Public Assistance or Social Security, which provided payment for any medical bills, wages or any other expenses incurred as a result of the incident giving rise to Plaintiff's Complaint.

ANSWER: Sentry Select Insurance Company
Stevens Point, Wisconsin

35. If the answer to any part of the preceding Interrogatory is in the affirmative, please set forth the following:

(a) the name and address of each such provider of insurance or other benefits;

(b) the amount of benefits provided for each medical bill incurred or wage loss claimed;

(c) whether the Plaintiff's decedent had been placed on notice of any subrogation with respect to any such payments.

ANSWER:

(a) See No. 34
(b) Reimbursement of Brockway Ambulance bill of $519 and DRMC bill of $114 and payment of $2,500 toward funeral bill of $5,668 and $25,000 death benefit.
(c) No

36. Did Plaintiff's decedent wear corrective lenses? If so, was she wearing them at the time of the incident giving rise to Plaintiff's Complaint?

ANSWER: No

37. Did Plaintiff's decedent consume any alcoholic beverages of any type, or any sedative, tranquilizer or other drug, medicine or pill during the 48 hours immediately preceding the incident giving rise to Plaintiff's Complaint? If so, please state the nature, amount, and type of item consumed along with the specific time period over which it was consumed, and the place of consumption.

ANSWER: I have no personal knowledge of any consumption because I was not with him at any time relevant to the incident.

38. If your answer to any part of the preceding Interrogatory is in the affirmative, state the name and last know address of any individual who witnessed Plaintiff's decedent consuming each such alcoholic beverage, drug, medicine or pill.

ANSWER: N/A

39. Did the Plaintiff's decedent have any special or unusual skills, talents or abilities? If so, describe the same.

ANSWER:
Decedent was a skilled sales and general manager in the automobile industry and an integral part of the entire business organization known as Dick Eazor Chevrolet-Pontiac, Inc.

40. Did the Plaintiff's decedent have any occupational training or experience or skill? If so, describe the same.

ANSWER: He took General Motors courses through employment. They were in such areas as computers, dealer operations, sales and management.

41. Did Plaintiff's decedent ever serve in the U.S. military? If so, state the branch of service, serial/service number, place enlisted, the dates of service and the circumstances of discharge.

ANSWER: no

42. Had Plaintiff's decedent ever at any time made a claim for or received any health or accident insurance benefits, Workers' Compensation payments, disability benefits, pensions, incident compensation payments or veterans' disability compensation awards? If so, for each, state:

(a) the circumstances under which the benefits or awards or payments were received;

(b) the illness, injury or injuries for which the benefits or awards or payments were received;

(c) the names and addresses of Plaintiff's decedent's employer or employers at the time of each injury or illness;

(d) the insurance companies who paid the awards;

(e) the name and address of the Referee or Hearing Officer who handled such claim.

ANSWER: No, not to my knowledge

43. Was Plaintiff's decedent receiving, or did Plaintiff's decedent ever receive any disability pension, income or insurance, or any Workers' Compensation from any agency, company, person, corporation, state, local or Federal government, and, if so, state:

(a) the nature of any such payment;

(b) dates she received such income;

(c) by whom it was paid; and

(d) if Plaintiff's decedent received any Social Security Disability Benefits or Workers' Compensation Benefits, please provide all records pertaining to same. In lieu of producing the records, Plaintiff may execute the appropriate attached authorizations.

ANSWER: No, not to my knowledge

45. Please state whether Plaintiff's decedent ever made, during her life, a claim against any person or organization for damages for personal injuries or property damage and further state:

(a) the name of such person or organization;

(b) the date and place of the incident or occurrence out of which such claim arose;

(c) the nature of the claim;

(d) the name of the judicial or administrative tribunal, if any, in which such claim was prosecuted and the case or proceeding number; and

(e) the disposition of the claim. If settled or resolved by a verdict or award, set forth the particulars thereof.

ANSWER: I assume "her" should be his. No, not to my knowledge.

46. At the time of the alleged incident, was the Plaintiff's decedent subject to any illness, injury, impairment, disease, physical infirmity, sensory infirmity or motor infirmity, and/or

other medical conditions which may have pre-existed the date of the claimed injury. THIS IS A REQUEST FOR A COMPLETE MEDICAL HISTORY OF THE PLAINTIFF'S DECEDENT CONCERNING ANY SUCH INFIRMITY, ETC.

(a) If so, describe such infirmity, etc.;

(b) set forth whether this was due to any incident or accident and if so, set forth the date and place of same;

(c) give the name, address and field of specialization of any medical doctor, osteopath or chiropractor who treated Plaintiff's decedent for such infirmity, etc.;

(d) please give the name and address of each hospital in which the Plaintiff's decedent was a patient for treatment for the above. Specify inclusive dates of hospitalization and patient's identification number (usually patient's Social Security Number) and the physical or mental condition giving rise to hospitalization on each separate occasion;

(e) please attach a copy of all medical records, notes, charts, reports, bills and/or any other documents, which relate to the above-described infirmities and treatments. **(Plaintiff may execute the medical authorizations, which are attached, in lieu of producing these documents.)**

ANSWER: No, not to my knowledge

49. At the time of the incident giving rise to the Complaint, was Plaintiff's decedent under any prescribed medication? If so, state what medication, the dosage, and who prescribed such medication.

ANSWER: I am unsure. Not to my personal knowledge.

50. Please state what items of special or compensatory damages are claimed in this action. In answering this Interrogatory, itemize all hospital bills, medical bills, loss of earnings, past, present and future, etc. In answering this Interrogatory also please set forth as to loss of earnings, the method of computing such loss, including the dates that Plaintiff contends that decedent was unable to perform her work.

ANSWER:

Carlson Funeral Home bill of $5,668
DRMC bill of $114
Brockway Ambulance bill of $519
Loss of earnings as of yet uncalculated

51. Please state the name and present address of each person Plaintiff expects to call as an expert witness at the trial of this case.

ANSWER:

At this time I am not aware of any but reserve the right to call such experts as recommended by my attorneys.

52. As to each person named in answer to the preceding Interrogatory, have that person state and sign in answer to this Interrogatory:

(a) the substance of each fact to which he/she is expected to testify;

(b) the substance of each opinion to which he/she is expected to testify;

(c) the grounds for each opinion;

(d) attach any and all reports rendered by any such expert witness.

ANSWER: N/A

53. State the name and address of each individual whom you believe to have seen Plaintiff's decedent while she was in Warden's Bar on the afternoon or evening of November 27, 1999.

ANSWER: The question is about an incident of which I have no knowledge.

54. Identify by name and address all individuals whom you believe to have served any alcoholic or malt beverage to Plaintiff's decedent on the afternoon or evening of November 27, 1999 up to the time of the incident described in the Complaint?

ANSWER: The question is about an incident of which I have no knowledge.

55. With respect to damages claimed under the Wrongful Death Act, set forth the following:

(a) the amount of funeral, burial and state administration expenses incurred;

(b) the name and address of each provider of funeral or burial services;

(c) the amount of a hospital or medical expenses incurred;

(d) the names of providers of all hospital or medical services for which expenses were incurred.

(e) the name and address of each member of decedent's family, and their relationship to decedent at the time of her death;

(f) the amount of all contributions each such family member identified hereinabove would have received from decedent from date of decedent's death to the present, including, but not limited to all sums that decedent would have spent for or given to each such family member for shelter, food, clothing, medical care, education, entertainment, gifts or recreation.

ANSWER:

(a) Carlson Funeral Home, Brockway, PA - $5,668
(b) See answer to (a)
(c) Brockway Ambulance bill - $519
DuBois Regional Medical Center bill - $114
(d) See answer to (c)
(e) Father - J. Richard Eazor
Mother - Wanda Eazor
Sisters - Candace Eazor and Lorraine Andrews
Brother - James Eazor
(f) As of now, uncalculated

56. With respect with your claim for damages under the Wrongful Death Act, state:

(a) the amount and nature of all sums that decedent would have contributed to the support of each family member identified hereinabove through the end of decedent's life expectancy;

(b) the pecuniary value of any services, society or comfort provided by decedent to each such family member, including, but not limited to work around the home, provision of physical comforts and services, provision of society and comfort, had decedent not died;

(c) the nature and amount of services that decedent would have contributed to any children surviving her, including guidance, tutelage and moral upbringing, which you contend all such children would have received from decedent, had her death not occurred.

ANSWER:

(a) As of yet uncalculated; answer is dependent upon reports and studies not yet performed and/or completed; Plaintiff reserves the right to submit these upon receipt at a later date.

(b) See (a)
(c) See (a)

57. With respect to your claim for damages under the Survival Act, state the following:

(a) the amounts you contend decedent would have earned from the date of her death though the remainder of decedent's life expectancy;

(b) all amounts which decedent would have spent on herself for personal maintenance during the period referred to immediately hereinabove, including necessary living expenses for food, shelter and clothing;

(c) the length of time you contend decedent suffered any conscious, physical or mental pain, suffering or inconvenience from the moment of injury complained of in the Complaint to the moment of her death, and with respect to same identify each fact, circumstance and witness you believe supports such contention.

ANSWER: This question is not addressed to Plaintiff because it deals with a female, not Plaintiff's Decedent - a male

58. Please identify, by name and business address, decedent's family physician as of the date of the accident.

ANSWER:

See answer to Question No. 20.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE
PA I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
Ph: (814) 696-3581

VERIFICATION

I, **CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR**, do hereby verify that I have read the foregoing **Answers to Interrogatories Directed to Plaintiff Dated May 23, 2003**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Admin

Candace A. Eazor, Administratrix of the
Estate of Richard A. Eazor

Date: OCTOBER 16, 2003

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000853 -10

New

Crash Number P0373577

AA 45 1 1

Case Closed: Yes / No

Page: 1

Change/Continuation

Police Agency Data

Incident Number: C01-072338

Police Agency: 68C01

Patrol Zone: 5

Agency Name: PA STATE POLICE

Precinct: PUNXSUTAWNEY 13/C

Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil): 0412

Arrival Time (mil): 0500

Investigator: TPR GUY A. BATTESTILLI

Badge Number: 5812

Reviewer: [illegible]

Badge Number: 4892

Approval Date (MM-DD-YYYY): 10-09-2002

Crash Data

County: 33

County Name: JEFFERSON

Municipality: 207

Municipality Name: HEATH TWP

Day of Week: Sun / Mon / Tue / Wed / Thu / Fri / Sat / Unk

Crash Date (MM-DD-YYYY): 10-06-2002

Crash Time (Military): 0340

No of Units: 1

No of People: 2

No Injured: 1

No Killed: 1

(If > 00, Complete Form: AA 45 F 1)

Reportable Crash: Yes / No

Notify Highway Maintenance: Yes / No

School Bus Related: Yes / No

School Zone Related: Yes / No

PennDOT Property: Yes / No

Unit Information

Unit Number: 1

Delete?

Type Unit: Motor Vehicle in Transport / Pedestrian / Hit & Run Vehicle / Illegally Parked / Legally Parked / Non - Motorized / Pedestrian on Skates, in Wheelchair, etc / Disabled From Previous Crash / Train / Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1): SHARP

FI: L

MI: A

Telephone Number: (814)375-6393

Address: 416 MAPLE AVE

City: DUBOIS

State: PA

Zip: 15801

Commercial Vehicle: Yes / No

VIN: 1GILT641 8KY266566

Model Year: 1989

Vehicle Make*: 20

(If Yes, Complete Form: AA 45 C 1)

License Plate: ELA8515

Reg. State: PA

Travel Speed: 60

*Refer to List on Back of Overlay

Insurance: Yes / No / Unknown

Insurance Company: PROGRESSIVE INS CO

Policy No: 55325606-1

Insurance Company Phone: 800 274-4499

Vehicle Towed: Yes / No

Towed To: DAVIS REPAIR

Towed By: DAVIS TOWING

Tow Agency Phone: (814)849-2197

Unit Information

Unit Number:

Delete?

Type Unit: Motor Vehicle in Transport / Pedestrian / Hit & Run Vehicle / Illegally Parked / Legally Parked / Non - Motorized / Pedestrian on Skates, in Wheelchair, etc / Disabled From Previous Crash / Train / Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI:

MI:

Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle: Yes / No

VIN:

Model Year:

Vehicle Make:

(If Yes, Complete Form: AA 45 C 1)

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

FATAL

Insurance: Yes / No / Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed: Yes / No

Towed To:

Towed By:

Tow Agency Phone:

FORM # AA 45 (01-01)

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number: P0373577

AA 45 2 1 000854 Page: 2 ☐☐ ● New ○ Change/Continuation ☐☐☐☐☐☐☐☐

Vehicle Information

Unit Number: 1 ☐ | Trailing Unit(s) Number of Trailing Units: 0 | Type of Unit: 1=Towing Passenger Veh, 2=Towing Truck, 3=Towing Utility Trailer, 4=Mobile or Modular Home, 5=Camper, 6=Trailer, 7=Semi-Trailer, 8=Other, 9=Unknown | Tag No ☐ | Tag Year | Tag State

Tag No ☐ | Tag Year | Tag State

Vehicle Color: 03
01=Blue, 02=Red, 03=White, 04=Green, 05=Black, 06=Yellow, 07=Silver, 08=Gold, 09=Brown, 10=Orange, 11=Purple, 12=Other, 99=Unknown

Vehicle Type: 01
01=Automobile, 02=Motorcycle, 03=Bus, 04=Small Truck, 05=Large Truck, 10=Snowmobile, 11=Farm Equip, 12=Construction Equip, 18=Other Type Special Veh, 19=Unknown Type Special Veh, 20=Unicycle, Bicycle, Tricycle, 21=Other Pedalcycle, 22=Horse and Buggy, 23=Horse and Rider, 24=Train, 25=Trolley, 98=Other, 99=Unknown

Special Usage: 00
00=Not Applicable, 01=Fire Veh, 02=Ambulance, 03=Police, 08=Other Emergency Vehicle, 11=Pupil Transport, 12=Commercial Passenger Carrier, 13=Taxi, 21=Tractor Trailer, 22=Twin Trailer, 23=Triple Trailer, 31=Modified Veh, 99=Unknown

Initial Impact Point: 11
00=Non-Collision, 13=Top, 14=Undercarriage, 15=Towed Unit, 99=Unknown

Damage Indicator: 3
0=None, 1=Minor (Driveable), 2=Functional (Moderate Damage, May Not be Driveable), 3=Disabling (Severe - Not Driveable), 9=Unknown

Vehicle Role: 1
0=Non-Collision, 1=Striking, 2=Struck, 3=Both Striking and Struck

Vehicle Position: 01
00=Not Applicable, 01=Right Lane (Curb), 02=Right Turn Lane, 03=Left Lane, 04=Left Turn Lane, 05=2-Direction Center Turn Lane, 06=Other Forward Moving Lane, 07=Oncoming Traffic Lane, 08=Left of Trafficway, 09=Right of Trafficway, 10=HOV Lane, 11=Shoulder Right, 12=Shoulder Left, 13=One Lane Road, 98=Other, 99=Unknown

Direction of Travel: N
N=North, S=South, E=East, W=West, U=Unknown

Movement: 16
01=Going Straight, 02=Slowing/Stopping in Lane, 03=Stopped in Traffic Lane, 04=Passing/Overtaking Veh, 05=Leaving a Parked Position, 06=Parked, 07=Entering a Parked Position, 08=Trying to Avoid Animal, Ped, Object, Veh, etc, 09=Turning Right on Red, 10=Turning Right, 11=Turning Left on Red, 12=Turning Left, 13=Making a U-Turn, 14=Backing Up, 15=Changing Lanes or Merging, 16=Negotiating Curve - Right, 17=Negotiating Curve - Left, 98=Other, 99=Unknown

Gradient: 3
1=Level Roadway, 2=Uphill, 3=Downhill, 4=Sag/Bottom of Hill, 5=Crest/Top of Hill, 9=Unknown

Alignment: 2
1=Straight, 2=Curved, 9=Unknown

Vehicle Information

Unit Number ☐ | Trailing Unit(s) Number of Trailing Units ☐ | Type of Unit: 1=Towing Passenger Veh, 2=Towing Truck, 3=Towing Utility Trailer, 4=Mobile or Modular Home, 5=Camper, 6=Trailer, 7=Semi-Trailer, 8=Other, 9=Unknown | Tag No ☐ | Tag Year | Tag State

Tag No ☐ | Tag Year | Tag State

Vehicle Color: ☐
01=Blue, 02=Red, 03=White, 04=Green, 05=Black, 06=Yellow, 07=Silver, 08=Gold, 09=Brown, 10=Orange, 11=Purple, 12=Other, 99=Unknown

Vehicle Type: ☐☐
01=Automobile, 02=Motorcycle, 03=Bus, 04=Small Truck, 05=Large Truck, 10=Snowmobile, 11=Farm Equip, 12=Construction Equip, 18=Other Type Special Veh, 19=Unknown Type Special Veh, 20=Unicycle, Bicycle, Tricycle, 21=Other Pedalcycle, 22=Horse and Buggy, 23=Horse and Rider, 24=Train, 25=Trolley, 98=Other, 99=Unknown

Special Usage: ☐☐
00=Not Applicable, 01=Fire Veh, 02=Ambulance, 03=Police, 08=Other Emergency Vehicle, 11=Pupil Transport, 12=Commercial Passenger Carrier, 13=Taxi, 21=Tractor Trailer, 22=Twin Trailer, 23=Triple Trailer, 31=Modified Veh, 99=Unknown

Initial Impact Point: ☐☐
00=Non-Collision, 13=Top, 14=Undercarriage, 15=Towed Unit, 99=Unknown

Damage Indicator: ☐
0=None, 1=Minor (Driveable), 2=Functional (Moderate Damage, May Not be Driveable), 3=Disabling (Severe - Not Driveable), 9=Unknown

Vehicle Role: ☐
0=Non-Collision, 1=Striking, 2=Struck, 3=Both Striking and Struck

Vehicle Position: ☐☐
00=Not Applicable, 01=Right Lane (Curb), 02=Right Turn Lane, 03=Left Lane, 04=Left Turn Lane, 05=2-Direction Center Turn Lane, 06=Other Forward Moving Lane, 07=Oncoming Traffic Lane, 08=Left of Trafficway, 09=Right of Trafficway, 10=HOV Lane, 11=Shoulder Right, 12=Shoulder Left, 13=One Lane Road, 98=Other, 99=Unknown

Direction of Travel: ☐
N=North, S=South, E=East, W=West, U=Unknown

Movement: ☐☐
01=Going Straight, 02=Slowing/Stopping in Lane, 03=Stopped in Traffic Lane, 04=Passing/Overtaking Veh, 05=Leaving a Parked Position, 06=Parked, 07=Entering a Parked Position, 08=Trying to Avoid Animal, Ped, Object, Veh, etc, 09=Turning Right on Red, 10=Turning Right, 11=Turning Left on Red, 12=Turning Left, 13=Making a U-Turn, 14=Backing Up, 15=Changing Lanes or Merging, 16=Negotiating Curve - Right, 17=Negotiating Curve - Left, 98=Other, 99=Unknown

Gradient: ☐
1=Level Roadway, 2=Uphill, 3=Downhill, 4=Sag/Bottom of Hill, 5=Crest/Top of Hill, 9=Unknown

Alignment: ☐
1=Straight, 2=Curved, 9=Unknown

COMMONWEALTH OF PENNSYLVANIA
FAT POLICE CRASH REPORTING FORM

AA 45 3 1 000855

Crash Number: P0373577

● New ○

Page: 3

☐ Change/ Continuation

Vehicle Driver/Pedestrian Information

Unit Number | Last Name | FI | MI | Telephone Number
1 | EAZOR | R | A | (814) 328-2730

Address | City | State | Zip
200 MAIN ST | BROCKWAY | PA | 15824

License Number | State
18578776 | PA

If License Number is unknown or driver is not licensed, see manual

Alcohol/Drugs Suspected
☒ No ☐ Illegal Drugs ☐ Medication
☐ Alcohol ☐ Alcohol and Drugs ☐ Unknown

Alcohol Test Type
☐ Test Not Given ☐ Breath ☐ Other
☐ Blood ☐ Urine ☐ Unknown If Test Given

Alcohol Test Results
0 . ☐☐
☐ Test Refused ☐ Unknown Results
☐ Test Given, Contaminated Results

Driver or Pedestrian Physical Condition
☐ Apparently Normal ☐ Illegal Drug Use ☐ Fatigue ☐ Medication
☐ Had Been Drinking ☐ Sick ☐ Asleep ☐ Unknown

Pedestrian Only Information

Pedestrian Signal at Scene of Crash
☐ No Pedestrian Signal ☐ Not at Intersection
☐ Pedestrian Signal

Pedestrian Location
☐ Marked Crosswalks at Intersection ☐ In Roadway ☐ < 10 Feet Off Road
☐ Not In Roadway
☐ At Intersection - No Crosswalks ☐ Median ☐ > 10 Feet Off Road
☐ Non-Intersection Crosswalks ☐ Island ☐ Outside Trafficway
☐ Shoulder ☐ Shared Paths/ Trails
☐ Driveway Access ☐ Sidewalk ☐ Unknown

Vehicle Code List any Vehicle Code Section this driver has violated and mark if they were charged. | Charged with Violation?
3361 | ☐ Yes ● No
1543B 3731 | ☐ Yes ● No

Owner/Driver Code: 02
00=Not Applicable; 01=Private Vehicle Owned/ Leased by Driver; 02=Private Vehicle Not Owned/Leased by Driver; 03=Rented Vehicle; 04=State Police Vehicle; 05=PennDOT Vehicle; 06=Other State Gov Vehicle; 07=Municipal Police Vehicle; 08=Other Municipal Government Vehicle; 09=Federal Gov Vehicle; 98=Other; 99=Unknown

Driver Presence: 1
1=Driver Operated Vehicle; 2=No Driver; 3=Driver Fled Scene; 4=Hit and Run; 9=Unknown

---

Vehicle Driver/Pedestrian Information

Unit Number | Last Name | FI | MI | Telephone Number

Address | City | State | Zip

License Number | State

If License Number is unknown or driver is not licensed, see manual

Alcohol/Drugs Suspected
☐ No ☐ Illegal Drugs ☐ Medication
☐ Alcohol ☐ Alcohol and Drugs ☐ Unknown

Alcohol Test Type
☐ Test Not Given ☐ Breath ☐ Other
☐ Blood ☐ Urine ☐ Unknown if Test Given

Alcohol Test Results
0 .
☐ Test Refused ☐ Unknown Results
☐ Test Given, Contaminated Results

Driver or Pedestrian Physical Condition
☐ Apparently Normal ☐ Illegal Drug Use ☐ Fatigue ☐ Medication
☐ Had Been Drinking ☐ Sick ☐ Asleep ☐ Unknown

Pedestrian Only Information

Pedestrian Signal at Scene of Crash
☐ No Pedestrian Signal ☐ Not at Intersection
☐ Pedestrian Signal

Pedestrian Location
☐ Marked Crosswalks at Intersection ☐ In Roadway ☐ < 10 Feet Off Road
☐ Not In Roadway
☐ At Intersection - No Crosswalks ☐ Median ☐ > 10 Feet Off Road
☐ Non-Intersection Crosswalks ☐ Island ☐ Outside Trafficway
☐ Shoulder ☐ Shared Paths/ Trails
☐ Driveway Access ☐ Sidewalk ☐ Unknown

Vehicle Code List any Vehicle Code Section this driver has violated and mark if they were charged. | Charged with Violation?
☐ Yes ☐ No
☐ Yes ☐ No

Owner/Driver Code
00=Not Applicable; 01=Private Vehicle Owned/ Leased by Driver; 02=Private Vehicle Not Owned/Leased by Driver; 03=Rented Vehicle; 04=State Police Vehicle; 05=PennDOT Vehicle; 06=Other State Gov Vehicle; 07=Municipal Police Vehicle; 08=Other Municipal Government Vehicle; 09=Federal Gov Vehicle; 98=Other; 99=Unknown

Driver Presence
1=Driver Operated Vehicle; 2=No Driver; 3=Driver Fled Scene; 4=Hit and Run; 9=Unknown

FORM # AA 45 (01-11)

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 4 1 000856 Page: 4 New Change/Continuation Crash Number P0373577

People Information

A Person Type: *=Driver 2=Passenger 7=Pedestrian 8=Other 9=Unknown

B Sex: F=Female M=Male U=Unknown

C Injury Severity: 0=Not Injured 1=Killed 2=Major Injury 3=Moderate Injury 4=Minor Injury 9=Unknown

D Seat Position: 00=Not A Passenger/Occupant 01=Driver - All Vehicles 02=Front Seat Middle Position 03=Front Seat Right Side 04=Second Row - Left Side Or Motorcycle Passenger 05=Second Row - Middle Position 06=Second Row - Right Side 07=Third Row Or Greater - Left Side 08=Third Row Or Greater - Middle Position 09=Third Row Or Greater - Right Side 10=Sleeper Section Of Truckcab 11=In Other Enclosed Passenger Or Cargo Area 12=In Open Area (Back Of Pickup, Etc.) 13=Trailing Unit 14=Riding On Vehicle Exterior 15=Bus Passenger 98=Other 99=Unknown

E Safety Equipment One: 00=None Used / Not Applicable 01=Shoulder Belt Used 02=Lap Belt Used 03=Lap And Shoulder Belt Used 04=Child Safety Seat Used 05=Motorcycle Helmet Used 06=Bicycle Helmet Used 10=Safety Belt Used Improperly 11=Child Safety Seat Used Improperly 12=Helmet Used Improperly 90=Restraint Used, Type Unknown 99=Unknown

F Safety Equipment Two: 00=None Used / Not Applicable 01=Front Air Bag Deployed (For This Seat) 02=Side Air Bag Deployed (For This Seat) 03=Other Type Air Bag Deployed 04=Multiple Air Bags Deployed 05=Motorcycle Eye Protection 06=Bicyclist Wearing Elbow/Knee/Other Pads 10=Air Bag Not Deployed, Switch On 11=Air Bag Not Deployed, Switch Off 12=Air Bag Not Deployed, Unk Switch Setting 13=Air Bag Removed (Prior To Crash) 19=Unknown If Air Bag Deployed 99=Unknown

G Ejection: 0=Not Applicable 1=Not Ejected 2=Totally Ejected 3=Partially Ejected 9=Unknown

H Ejection Path: 0=Not Ejected / Not Applicable 1=Through Side Door Opening 2=Through Side Window 3=Through Windshield 4=Through Back Door 5=Through Back Door Tailgate Opening 6=Through Roof Opening (Sunroof/Convertible Top Down) 7=Through Roof Opening (Convertible Top Up) 9=Unknown

I Extrication: 0=Not Applicable 1=Not Extricated 2=Extricated By Mechanical Means 3=Freed By Non-Mechanical Means 8=Other 9=Unknown

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I	Name / Address / Phone	EMS Transport
1	1	☐	06-29-1959	1	M	1	0	1	00	00	3	3	0	RICHARD A EAZOR SAME AS DRIVER	● Yes ○ No
1	2	☐	05-09-1972	2	F	2	0	3	00	00	0	0	0	LYNN ANN SHARP 416 MAPLE AVE DUBOIS, PA 15801 (814) 375-6893	● Yes ○ No
		☐	- -												○ Yes ○ No
		☐	- -												○ Yes ○ No
		☐	- -												○ Yes ○ No
		☐	- -												○ Yes ○ No

FORM AA-45 (01-01)

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

New ○ Change

Crash Number P0373577

AA 45 5 1 000857 Page: 5

Type Location

Intersection Type
- ● Midblock
- ○ 4 Way Intersection
- ○ "T" Intersection
- ○ "Y" Intersection
- ○ Traffic Circle/ Round About
- ○ Multi-Leg Intersection
- ○ On Ramp
- ○ Off Ramp
- ○ Crossover
- ○ Railroad Crossing
- ○ Other

Special Location
- ● Not Applicable
- ○ Underpass
- ○ Ramp (If "Ramp" is indicated, please see manual)
- ○ Bridge
- ○ Tunnel
- ○ Toll Booth
- ○ Cross Over Related
- ○ Driveway/Parking Lot
- ○ Ramp & Bridge
- ○ Unknown

Principal Road

Complete the **Principal Road** Section for all type of crashes. For crashes at intersections, enter information in the Intersecting Road Section or the GPS Section. If you have a midblock crash, you should enter information in the "Distance from Landmark" Section, the GPS Section, or the House Number Section in the Principal Road area.

County: 33 | Route Number: 949 | Segment (Optional): | Travel Lanes: 2 | Speed Limit: 55

Orientation: ● North ○ South ○ East ○ West ○ Unknown

House Number (If applicable):

Street Name: | Street Ending:

Route Signing: ○ Interstate (Not Turnpike) ○ Turnpike (East/West) ○ Turnpike Spur ● State Highway ○ County Road ○ Local Road or Street ○ Private Road ○ Other/ Unknown

Intersecting Road

Use For Intersection Crashes

County | Route Number | Segment (Optional) | Travel Lanes | Speed Limit

Street Name: | Street Ending:

Orientation: ○ North ○ South ○ East ○ West ○ Unknown

Route Signing: ○ Interstate (Not Turnpike) ○ Turnpike (East/West) ○ Turnpike Spur ○ State Highway ○ County Road ○ Local Road or Street ○ Private Road ○ Other/ Unknown

Distance From Landmark

Use For Mid-Block Crashes

Please Enter information for **BOTH** Landmarks if Using This Option

Landmark 1

Intersecting Rt Num | Or Mile Post | Or Segment Marker

Or Intersecting Street Name: SPRING CREEK St Ending: RD

Ramp Use Only: ○ North ○ South ○ East ○ West

Feet | Or Miles: 0.1

Landmark 2

Intersecting Rt Num | Or Mile Post | Or Segment Marker

Or Intersecting Street Name: HIDINGER St Ending: RD

Ramp Use Only: ○ North ○ South ○ East ○ West

Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2)

GPS

Latitude: Degrees | Minutes | Seconds

Longitude: Degrees | Minutes | Seconds

Traffic Control Device
- ● Not Applicable
- ○ Flashing Traffic Signal
- ○ Traffic Signal
- ○ Stop Sign
- ○ Yield Sign
- ○ Active RR Crossing Controls
- ○ Passive RR Crossing Controls
- ○ Police Officer or Flagman
- ○ Other Type TCD
- ○ Unknown

TCD Functioning
- ● No Controls
- ○ Device Not Functioning
- ○ Device Functioning Improperly
- ○ Device Functioning Properly
- ○ Emergency Preemptive Signal
- ○ Unknown

Type of Work Zone (If "Not a Work Zone", skip rest of Work Zone section)
- ● Not a Work Zone
- ○ Construction
- ○ Maintenance
- ○ Utility Company
- ○ Other

Work Zone Location
- ○ Before 1st Work Zone Warning Sign
- ○ Advance Warning Area
- ○ Transition Area
- ○ Activity Area
- ○ Termination Area
- ○ Other

Work Zone (Mark all that apply)
- ☐ Lane Closure
- ☐ Road Closed with Detour
- ☐ Work on Shoulder or Median
- ☐ Intermittent or Moving Work
- ☐ Flagger Control
- ☐ Other

Work Zone Speed Limit | **Workers Present** ○ Yes ○ No ○ Unknown

Lane Closed (If "Not Applicable", skip rest of the Lane Closure section)
- ● Not Applicable
- ○ Partially
- ○ Fully
- ○ Unknown

Traffic Detoured ○ Yes ○ No

Lane Closure Direction
- ○ North
- ○ South
- ○ East
- ○ West
- ○ North and South
- ○ East and West

Estimated Time Closed
- ○ < 30 Minutes
- ○ 30-60 Minutes
- ○ 1-3 hours
- ○ 3-6 hours
- ○ 6-9 hours
- ○ 9-12 hours
- ○ > 12 hours
- ○ Unknown

Because of Crash

FORM # AA 45 (01-01)

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number: P0373577 (● New)

AA 45 6 1 000858 Page: 6 ○ Change/Continuation

General Crash Information (if more than 2 Units only complete once)

Crash Description [7]
0=Non-Collision; 1=Rear End; 2=Head On; 3=Rear to Rear (Backing); 4=Angle; 5=Sideswipe (Same Direction); 6=Sideswipe (Opposite Direction); 7=Hit Fixed Object; 8=Hit Pedestrian; 9=Other/Unknown

Relation to Roadway [2]
1=On Travel Lanes; 2=Shoulder; 3=Median; 4=Roadside; 5=Outside Trafficway; 6=In Parking Lane; 7=Gore (Ramp Intersection); 9=Unknown

Illumination [2]
1=Daylight; 2=Dark - No Street Lights; 3=Dark - Street Lights; 4=Dusk; 5=Dawn; 6=Dark - Unknown Roadway Lighting; 8=Other

Weather Conditions [1]
1=No Adverse Conditions; 2=Rain; 3=Sleet (Hail); 4=Snow; 5=Fog; 6=Rain & Fog; 7=Sleet & Fog; 8=Other

Road Surface Conditions [0]
0=Dry; 1=Wet; 2=Sand, Mud, Dirt, Oil; 3=Snow Covered; 4=Slush; 5=Ice; 6=Ice Patches; 7=Water - Standing or Moving; 8=Other

Unit(s) Event Information

Unit No		Harm Event	L/R	Most?	Utility Pole Number
1	1	21	L	●	
	2			○	
Please Put Events in Sequential Order	3				
	4				

Unit No		Harm Event	L/R	Most?	Utility Pole Number
	1			○	
	2			○	
Please Put Events in Sequential Order	3			○	
	4				

Harmful Events (Harm Event)
01=Hit Unit 1; 02=Hit Unit 2; 03=Hit Unit 3; 04=Hit Unit 4; 05=Hit Unit 5; 06=Hit Other Traffic Unit; 07=Hit Deer; 08=Hit Other Animal; 09=Collision With Other Non Fixed Object; 11=Struck By Unit 1; 12=Struck By Unit 2; 13=Struck By Unit 3; 14=Struck By Unit 4; 15=Struck By Unit 5; 16=Struck By Other Traffic Unit; 21=Hit Tree Or Shrubbery; 22=Hit Embankment; 23=Hit Utility Pole; 24=Hit Traffic Sign; 25=Hit Guard Rail; 26=Hit Guard Rail End; 27=Hit Curb; 28=Hit Concrete Or Longitudinal Barrier; 29=Hit Ditch; 30=Hit Fence Or Wall; 31=Hit Building; 32=Hit Culvert; 33=Hit Bridge Pier Or Abutment; 34=Hit Parapet End; 35=Hit Bridge Rail; 36=Hit Boulder Or Obstacle On Roadway; 37=Hit Impact Attenuator; 38=Hit Fire Hydrant; 39=Hit Roadway Equipment; 40=Hit Mail Box; 41=Hit Traffic Island; 42=Hit Snow Bank; 43=Hit Temporary Construction Barrier; 48=Hit Other Fixed Object; 49=Hit Unknown Fixed Object; 50=Overturn/Roll Over; 51=Struck By Thrown Or Falling Object; 52=Pot Holes Or Other Pavement Irregularities; 53=Jacknife; 54=Fire In Vehicle; 58=Other Non-Collision; 99=Unknown Harmful Event

	Unit No	Harm Event
First Harmful Event in the Crash	1	21
Most Harmful Event in the Crash	1	21

Do not repeat this information on multiple pages

Left/Right (L/R) L=Left R=Right O=Other U=Unknown

Environmental / Roadway Potential Factors (E/R)
00=None; 01=Windy Conditions; 02=Sudden Weather Conditions; 03=Other Weather Conditions; 04=Deer in Roadway; 05=Obstacle On Roadway; 06=Other Animal In Roadway; 07=Glare; 08=Work Zone Related; 11=Slippery Road Conditions (Ice/Snow); 12=Substance On Roadway; 13=Potholes; 14=Broken Or Cracked Pavement; 15=TCD Obstructed; 16=Soft Shoulder Or Shoulder Drop Off; 28=Other Roadway Factor; 99=Unknown

1 [00] 2 [ ] 3 [ ]

Possible Vehicle Failures (V)
00=None; 01=Tires; 02=Brake System; 03=Steering System; 04=Suspension; 05=Power Train; 06=Exhaust; 07=Headlights; 08=Signal Lights; 09=Other Lights; 10=Horn; 11=Mirrors; 12=Wipers; 13=Driver Seating/Control; 14=Body, Doors, Hood, Etc; 15=Trailer Hitch; 16=Wheels; 17=Airbags; 18=Trailer Overloaded; 19=Unsecured/Shifted Trailer Load; 20=Improper Towing; 21=Obstructed Windshield; 99=Unknown

Unit No				
1	1	00	2	

Driver Action (D)
00=No Contributing Action; 01=Driver Was Distracted; 02=Driving Using Hand Held Phone; 03=Driving Using Hands Free Phone; 04=Making Illegal U-Turn; 05=Improper/Careless Turning; 06=Turning From Wrong Lane; 07=Proceeding W/O Clearance After Stop; 08=Running Stop Sign; 09=Running Red Light; 10=Failure To Respond To Other Traffic Control Device; 11=Tailgating; 12=Sudden Slowing/Stopping; 13=Illegally Stopped On Road; 14=Careless Passing Or Lane Change; 15=Passing In No Passing Zone; 16=Driving The Wrong Way On 1-Way Street; 17=Careless Or Illegal Backing On Roadway; 18=Driving On The Wrong Side of Road; 19=Making Improper Entrance to Highway; 20=Making Improper Exit From Highway; 21=Careless Parking/Unparking; 22=Over/Under Compensation At Curve; 23=Speeding; 24=Driving Too Fast For Conditions; 25=Failure To Maintain Proper Speed; 26=Driver Fleeing Police (Police Chase); 27=Driver Inexperienced; 28=Failure To Use Specialized Equip; 98=Other Improper Driving Actions

Unit No								
1	1	1	24	2		3		4
		1		2		3		4

Pedestrian Action (P)
00=None; 01=Entering Or Crossing At Specified Location; 02=Walking, Running, Jogging, Playing, Or Cycling; 03=Working; 04=Pushing Vehicle; 05=Approaching Or Leaving Vehicle; 06=Playing Or Working On Vehicle; 07=Standing; 98=Other

Unit No [1] [00] Unit No [ ] [ ]

Indicated Prime Factor
Do not repeat this information on multiple pages

Unit No	Factor Code
1	24

E/R ● V D P

If E/R is the Prime Factor Type, leave Unit No blank

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 7 1

000859

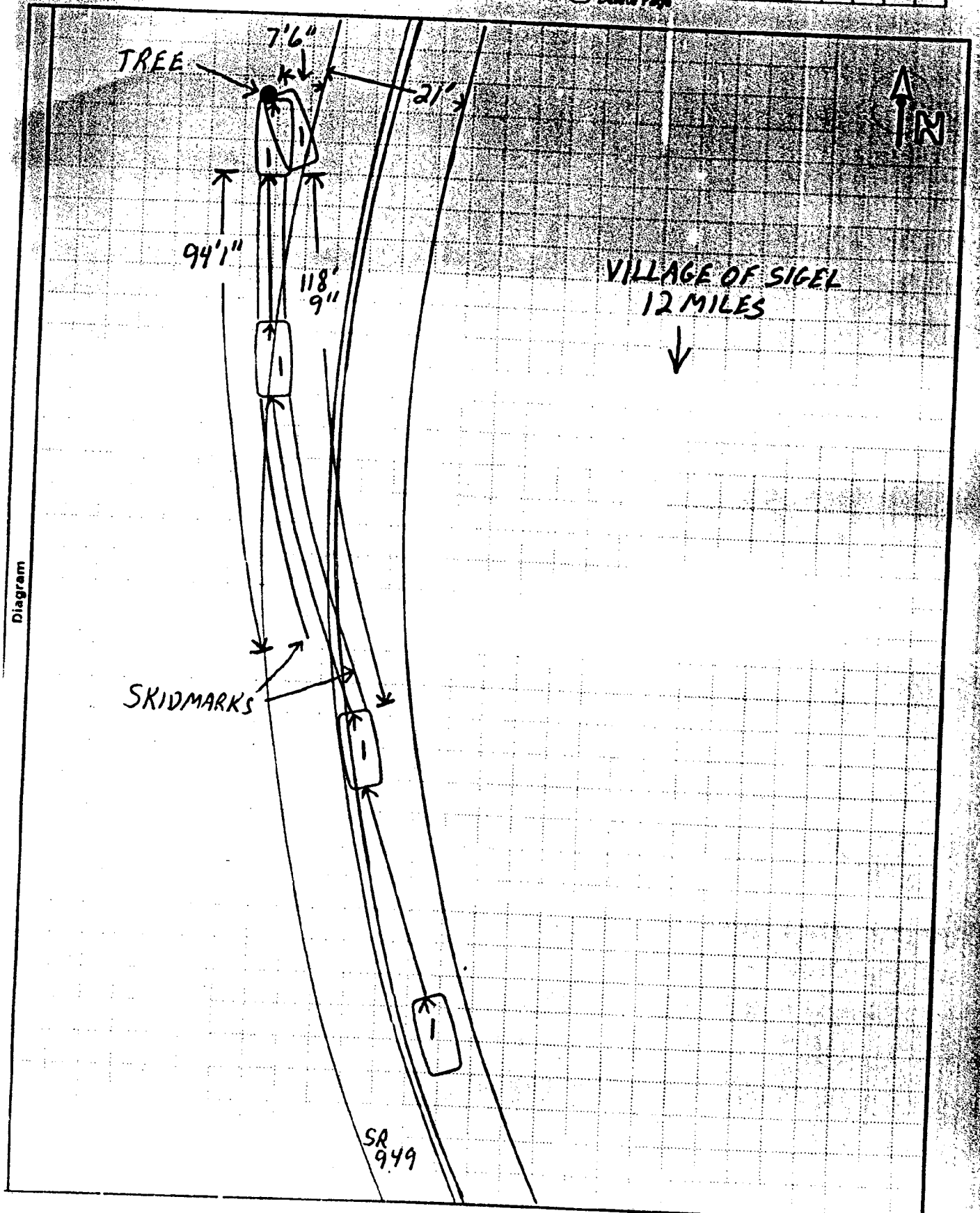
Page: 7

New

Change/ Continuation

Delete Page

Crash Number P0373577



Diagram

FORM 4 AA-15 (01-0)

FAT COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 8 1 000860 Page: 8

New / Change/Continuation / Delete Page

Crash Number P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: JEFFERSUN EMS Medical Facility: DUBOIS HOSPITAL

Witness 1: WILLIAM COX Address: 1000 W POINT DR PITTSBURGH, PA 15205 Phone: (412) 498-9212

Witness 2: REBECCA BARRACLOUGH Address: 1000 W. POINT DR APT 313 PITTSBURGH, PA 15205 Phone: (412) 498-9212

Narrative: UNIT #1 NO CELL PHONE PRESENT

UNIT #1 WAS TRAVELING NORTH ON SR 949 AND CAME TO A RIGHT HAND CURVE. UNIT #1 WAS TRAVELING TOO FAST TO NEGIOATE THE CURVE. OPER #1 APPLIED HIS BRAKES CAUSING UNIT #1 TO SKID. UNIT #1 SKIDDED ACROSS THE SOUTHBOUND LANE AND TRAVELED ONTO THE WEST BERM. UNIT #1 THEN STRUCK A TREE LOCATED 7'6" WEST OF THE ROADWAY. UNIT #1 PIVOTED APROX 30° COUNTERCLOCKWISE AFTER IMPACT. UNIT #1 CAME TO REST AGAINST THE TREE FACING NORTHWEST.

BOTH OCCUPANTS WERE TRANSPORTED BY THE WITNESSES TO THE HOME OF BARRACLOUGH'S PARENTS.

COX AND BARRACLOUGH WERE INTERVIEWED AT THE SCENE AT 0530 HRS ON 10/06/02 AND STATED "WE WERE OUT DRIVING AND WE CAME UP TO THIS CAR. THE MAN WAS OUT WALKING AROUND. HE SAID THAT THE GIRL WAS DRIVING AND THAT SHE HAD SWERVED TO MISS A DEER. THE GIRL WAS SITTING IN THE PASSENGER SEAT WITH HER FEET OUTSIDE THE DOOR. SHE WAS MOANING AND SHE SAID HER NAME WAS LYNN. HE SAID HE HAD BEEN DRINKING EARLIER. HE SAID THAT THE GIRL HAD BEEN UP WALKING AROUND AND SHE SAT DOWN THERE. WE GOT TO OUR HOUSE AND HE DIDNT HAVE A PULSE."

BOTH WITNESSES PROVIDED WRITTEN STATEMENTS WHICH WILL BE PLACED IN THE ATTACHMENT FILE.

TPRS BALL AND SCHREENGOST OF PSP DUBOIS WENT TO THE BARRACLOUGH RESIDENCE AND DUBOIS HOSPITAL AND WILL PROVIDE A SUPPLEMENTAL REPORT.

MORE

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000861

AA 45 8 1

Page: 9

Crash Number

- New
- Change/ Continuation
- Delete Page

P 0 3 7 3 5 7 7

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency:

Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative:

PHYSICAL EVIDENCE CONSISTED OF THE FOLLOWING.
1. SKID MARK FROM RIGHT SIDE TIRES 118'9" LONG AND STARTS IN THE NORTHBOUND LANE 6'9" FROM THE EAST BERM.
2. SKID MARK FROM LEFT SIDE TIRES 94'1" LONG AND STARTS IN THE SOUTHBOUND LANE 6'2" FROM THE WEST BERM.
3. HOLE IN WINDSHIELD DIRECTLY IN FRONT OF STEERING WHEEL. APPROX 10" IN DIAMETER.
4. SEVERAL SHORT BROWN HAIRS WERE OBSERVED STUCK IN THE WINDSHIELD GLASS AROUND HOLE.

CLEARFIELD CO DEPUTY CORONER KIM SHAFFER STATED THAT EAZOR WAS PRONOUNCED DEAD AT DUBOIS HOSPITAL AT 0506 HRS 10/06/02 BY DR PALMER. SHE ALSO ADVISED THAT AN AUTOPSY WOULD BE CONDUCTED BY DR COTTLE IN ALTOONA.

A FATALITY MESSAGE WAS SENT TO DIRECTOR BUREAU OF PATROL.

ACCID BY TPR LORELLI.

FORM SP7-0015 WAS MAILED TO OWNER OF UNIT #1

FORM # AA-45N (03/01)

FAT

COMMONWEALTH OF PENNSYLVANIA POLICE CRASH REPORTING FORM

AA 45 F 1

000862

Crash Number

New

Page: 10

Change/ Continuation

P03735777

Road Surface Type
- Concrete
- Blacktop
- Brick or Block
- Slag, Gravel or Stone
- Dirt
- Other
- Unknown

Special Jurisdiction
- No Special Jurisdiction
- National Park
- Military
- Indian Reservation
- College/University Campus
- Other Federal Sites
- Other
- Unknown

Please complete Unit information for *each* unit involved in a *fatal* crash. Do not repeat the information in the fields above on multiple pages.

Unit Information

Unit Number: 1

Driver Restrictions Compliance
- No Restrictions/ Not Applicable
- Restrictions Complied With
- Restrictions Not Complied With
- Compliance Unknown
- Not a Pennsylvania Driver
- Unknown Compliance

Driver Endorsement Compliance
- None Required
- Required - Complied With
- Required - Non Compliance
- Required - Compliance Unknown
- Not a Pennsylvania Driver
- Unknown Compliance

Driver License Compliance
- Not Licensed
- Not Required for Vehicle Class
- No Valid License for Class
- Valid License for Class
- Unk if CDL or CDL Required
- Not a Pennsylvania Driver
- Unknown

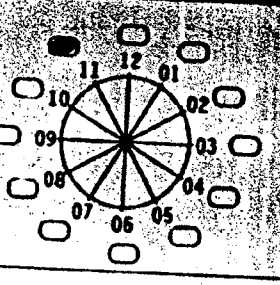
Drug Test Type
- None
- Blood
- Urine
- Other
- Unknown if Test Given

Drug Test Results - (Up to Four Results)

0 = No Test Given
1 = No Drug Reported
2 = Marijuana
3 = Cocaine
4 = Opiates
5 = Amphetamines
6 = PCP
8 = Other
9 = Unknown Test Results

Results: 9

Principle Impact Point
- Non-Collision
- Top
- Undercarriage
- Towed Unit
- Unknown



Avoidance Maneuver
- No Avoidance Maneuver
- Braking - Skid Marks Evident
- Braking - No Skid Marks, Driver Stated
- Braking - Other Evidence
- Steering - Evidence or Driver Stated
- Steering and Braking Evidence or Stated
- Other Avoidance Maneuver
- Inconclusive
- Unknown

Under Ride Indicator
- No Underride or Override
- Underride, Compartment Intrusion
- Underride, No Compartment Intrusion
- Underride, Compartment Intrusion Unknown
- Override, Other Vehicle
- Unknown if Underride or Override

Emergency Use
- Not in Emergency Use
- Lights Flashing
- Siren Sounding
- Both Lights and Siren
- Unknown

Unit Number:

Driver Restrictions Compliance
- No Restrictions/ Not Applicable
- Restrictions Complied With
- Restrictions Not Complied With
- Compliance Unknown
- Not a Pennsylvania Driver
- Unknown Compliance

Driver Endorsement Compliance
- None Required
- Required - Complied With
- Required - Non Compliance
- Required - Compliance Unknown
- Not a Pennsylvania Driver
- Unknown Compliance

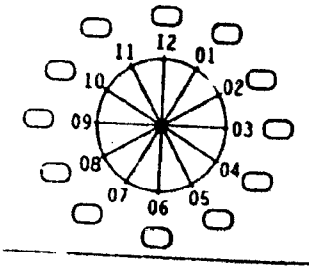
Driver License Compliance
- Not Licensed
- Not Required for Vehicle Class
- No Valid License for Class
- Valid License for Class
- Unk if CDL or CDL Required
- Not a Pennsylvania Driver
- Unknown

Drug Test Type
- None
- Blood
- Urine
- Other
- Unknown if Test Given

Drug Test Results - (Up to Four Results)

0 = No Test Given
1 = No Drug Reported
2 = Marijuana
3 = Cocaine
4 = Opiates
5 = Amphetamines
6 = PCP
8 = Other
9 = Unknown Test Results

Principle Impact Point
- Non-Collision
- Top
- Undercarriage
- Towed Unit
- Unknown



Avoidance Maneuver
- No Avoidance Maneuver
- Braking - Skid Marks Evident
- Braking - No Skid Marks, Driver Stated
- Braking - Other Evidence
- Steering - Evidence or Driver Stated
- Steering and Braking Evidence or Stated
- Other Avoidance Maneuver
- Inconclusive
- Unknown

Under Ride Indicator
- No Underride or Override
- Underride, Compartment Intrusion
- Underride, No Compartment Intrusion
- Underride, Compartment Intrusion Unknown
- Override, Other Vehicle
- Unknown if Underride or Override

Emergency Use
- Not in Emergency Use
- Lights Flashing
- Siren Sounding
- Both Lights and Siren
- Unknown

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001647-02

Crash Number: P0365328

RSN 102802

AA 45 1 1

Case Closed: ◯ Yes ● No

Page: 1 1

◯ Change/ Continuation

P 0 3 7 3 5 7 7

Police Agency Data

Incident Number: C 0 1 - 0 7 2 2 3 3 8

Police Agency: 6 8 C 0 4

Patrol Zone:

Agency Name: PA STATE POLICE

Precinct: DUBOIS / 1340

Investigation Date (MM-DD-YYYY): 1 0 - 0 6 - 2 0 0 2

Dispatch Time (mil):

Arrival Time (mil):

Investigator: TPR. MARK A. SCHREECENGOST / 2714

Badge Number:

Reviewer: Cpl Robert Lee Parr 4992

Badge Number:

Approval Date (MM-DD-YYYY): 1 0 - 2 1 - 2 0 0 2

Crash Data

County:

County Name:

Municipality:

Municipality Name:

Day of Week: ◯ Sun ◯ Thu ◯ Mon ◯ Fri ◯ Tue ◯ Sat ◯ Wed ◯ Unk

Crash Date (MM-DD-YYYY): - -

Crash Time (Military):

No of Units:

No of People:

No Injured:

No Killed:

(If > 00, Complete Form: AA 45 F 1)

Reportable Crash	Notify Highway Maintenance	School Bus Related	School Zone Related	PennDOT Property
◯ Yes ◯ No	◯ Yes ◯ No	◯ Yes ◯ No	◯ Yes ◯ No	◯ Yes ◯ No

Unit Information

Unit Number:

Delete?

Type Unit ▶ ◯ Motor Vehicle in Transport ◯ Hit & Run Vehicle ◯ Illegally Parked ◯ Legally Parked ◯ Non - Motorized

◯ Pedestrian ◯ Pedestrian on Skates, in Wheelchair, etc ◯ Disabled From Previous Crash ◯ Train ◯ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 F 1):

First: MI: Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ◯ Yes ◯ No

(If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ◯ Yes ◯ No ◯ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ◯ Yes ◯ No

Towed To:

Towed By:

Tow Agency Phone:

Unit Information

Unit Number:

Delete?

Type Unit ▶ ◯ Motor Vehicle in Transport ◯ Hit & Run Vehicle ◯ Illegally Parked ◯ Legally Parked ◯ Non - Motorized

◯ Pedestrian ◯ Pedestrian on Skates, in Wheelchair, etc ◯ Disabled From Previous Crash ◯ Train ◯ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 F 1):

First: MI: Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ◯ Yes ◯ No

(If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ◯ Yes ◯ No ◯ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ◯ Yes ◯ No

Towed To:

Towed By:

Tow Agency Phone:

FAT

FORM # AA 45 (01.01)

PENNDOT COPY

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number: P0365328

AA 45 8 1 C01648 Page: 12

☐ New ● Change/Continuation ☐ Delete Page

P 0 3 7 3 5 7 7

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative:

ON 10/02/02 AT 0918 HOURS, TPR. R.J. BALL, PSP DUBOIS, AND I WERE DISPATCHED TO A RESIDENCE ALONG LONGWELL ROAD APPROX. 1/10 MILE SOUTH OF CALUSHIA ROAD TO INTERVIEW THE OPERATOR AND PASSENGER OF A MOTOR VEHICLE CRASH ON BEHALF OF PSP PUNXSUTAWNEY.

UPON OUR ARRIVAL TO THIS LOCATION AT 0933 HOURS, BOTH SUBJECTS WERE RECEIVING EMERGENCY MEDICAL ATTENTION DUE TO THE SERIOUS INJURIES THEY SUSTAINED IN THE CRASH. BOTH SUBJECTS WERE IMMEDIATELY TRANSPORTED BY AMBULANCE TO DRMC-WEST.

UPON OUR ARRIVAL TO DRMC-WEST AT 0510 HOURS, RICHARD EAZOR, OPERATOR #1, WAS ALREADY DECEASED. DR. GEORGE PALMER, JR. PRONOUNCED EAZOR DEAD AT 0506 HOURS ON 10/06/02 AT DRMC-WEST. PASSENGER LYNN A. SHARP WAS UNAVAILABLE FOR AN INTERVIEW DUE TO THE SERIOUSNESS OF THE INJURIES SHE SUSTAINED FROM THE CRASH THAT REQUIRED IMMEDIATE MEDICAL ATTENTION.

Witness Information and Narrative

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001836-02

Crash Number P0373589

FAT RSN 10/3/02

AA 45 1 1

Case Closed ○ Yes ● No

Page: 13

○ New ○ Change/ Continuation P0373577

Police Agency Data

Incident Number C01-07223238

Police Agency 6801

Patrol Zone 5

Agency Name PA STATE POLICE

Precinct PUNXSUTAWNEY 130

Investigation Date (MM-DD-YYYY) 10-06-2002

Dispatch Time (mil) 0412

Arrival Time (mil) 0500

Investigator TPR GUY A. BATTESTILLI

Badge Number 5812

Reviewer CPL CARL P. MOOSSGER

Badge Number 6514

Approval Date (MM-DD-YYYY) 10-27-2002

Crash Data

County | County Name | Municipality | Municipality Name

Day of Week: ○ Sun ○ Mon ○ Tue ○ Wed ○ Thu ○ Fri ○ Sat ○ Unk

Crash Date (MM-DD-YYYY) | Crash Time (Military) | No of Units | No of People | No Injured | No Killed | (If > 00, Complete Form: AA 45 F 1)

Reportable Crash: Yes No | Notify Highway Maintenance: Yes No | School Bus Related: ○ Yes ○ No | School Zone Related: ○ Yes ○ No | PennDOT Property: ○ Yes ○ No

Unit Information

Unit Number | Delete? | Type Unit: ○ Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Pedestrian on Skates, in Wheelchair, etc ○ Illegally Parked ○ Disabled From Previous Crash ○ Legally Parked ○ Train ○ Non - Motorized ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

Commercial Vehicle: ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Insurance: ○ Yes ○ No ○ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed: ○ Yes ○ No | Towed To | Towed By | Tow Agency Phone

FATAL

Unit Information

Unit Number | Delete? | Type Unit: ○ Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Pedestrian on Skates, in Wheelchair, etc ○ Illegally Parked ○ Disabled From Previous Crash ○ Legally Parked ○ Train ○ Non - Motorized ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

Commercial Vehicle: ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Insurance: ○ Yes ○ No ○ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed: ○ Yes ○ No | Towed To | Towed By | Tow Agency Phone

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number P0373578

-FAT
AA 45 8 1 001837 Page: 14

○ New
◉ Change/ Continuation
○ Delete Page

P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative:

THE STATEMENT FORMS FROM BOTH WITNESSES WILL BE ATTACHED TO THE REPORT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000452-05 ○ New

Crash Number P0373592

AA 45 1 1 | Case Closed ○ Yes ● No | Page: 15 | ○ Change/Continuation | P0373577

Police Agency Data

Incident Number: C01-07223238 | Police Agency: 68C01 | Patrol Zone: 5

Agency Name: PA STATE POLICE | Precinct: PUNXSUTAWNEY/1310 | Investigation Date (MM-DD-YYYY):

Dispatch Time (mil): | Arrival Time (mil): | Investigator: CPL. GREGORY S. KINSELMAN / 06029 | Badge Number:

Reviewer: SGT ALAN F PIFER | Badge Number: 06292 | Approval Date (MM-DD-YYYY): 11-05-2002

Crash Data

County: | County Name: | Municipality: | Municipality Name: | Day of Week: ○ Sun ○ Thu ○ Mon ○ Fri ○ Tue ○ Sat ○ Wed ○ Unk

Crash Date (MM-DD-YYYY): | Crash Time (Military): | No of Units: | No of People: | No Injured: | No Killed: | (If > 00, Complete Form: AA 45 F 1)

Reportable Crash ○ Yes ○ No | Notify Highway Maintenance ○ Yes ○ No | School Bus Related ○ Yes ○ No | School Zone Related ○ Yes ○ No | PennDOT Property ○ Yes ○ No

Unit Information

Unit Number: | Delete? ○ | Type Unit: ○ Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Pedestrian on Skates, in Wheelchair, etc ○ Illegally Parked ○ Disabled From Previous Crash ○ Legally Parked ○ Train ○ Non - Motorized ○ Phantom Vehicle

Owner Last Name (*If Pedestrian, skip to Form AA 45 3 1*): | FI: | MI: | Telephone Number:

Address: | City: | State: | Zip:

Commercial Vehicle ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN: | Model Year: | Vehicle Make*:

License Plate: | Reg. State: | Travel Speed:

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Unknown | Insurance Company: | Policy No: | Insurance Company Phone:

Vehicle Towed ○ Yes ○ No | Towed To: | Towed By: | Tow Agency Phone:

Unit Information

Unit Number: | Delete? ○ | Type Unit: ○ Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Pedestrian on Skates, in Wheelchair, etc ○ Illegally Parked ○ Disabled From Previous Crash ○ Legally Parked ○ Train ○ Non - Motorized ○ Phantom Vehicle

Owner Last Name (*If Pedestrian, skip to Form AA 45 3 1*): | FI: | MI: | Telephone Number:

Address: | City: | State: | Zip:

Commercial Vehicle ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN: | Model Year: | Vehicle Make*:

License Plate: | Reg. State: | Travel Speed:

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Unknown | Insurance Company: | Policy No: | Insurance Company Phone:

Vehicle Towed ○ Yes ○ No | Towed To: | Towed By: | Tow Agency Phone:

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 8 1 000453 Page: 16

☐ New
☐ Change/ Continuation
☐ Delete Page

Crash Number: P0373589

P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative: THE PENN DOT COPY OF THE VICTIM/WITNESS STATEMENT FORMS WERE ATTACHED WITH THIS REPORT.

COMMONWEALTH PENNSYLVANIA
POLICE CRASH REPORTING FORM

000466-01 (New)

Crash Number P0373448

AA 45 1 1 | Case Closed: ☐ Yes ◉ No | Page: 17 | ☐ Change/Continuation | P0373577

Police Agency Data

Incident Number: C01-0723238 | Police Agency: 68C01 | Patrol Zone: 5

Agency Name: PA STATE POLICE | Precinct: WASHINGTON 130 | Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil): 0412 | Arrival Time (mil): 0500 | Investigator: TPR GUY A BATTISTELLI | Badge Number: 5812

Reviewed By: CPL. GREGORY S. KUNSELMAN | Badge Number: 66291 | Approval Date (MM-DD-YYYY): 12-06-2002

Crash Data

County | County Name | Municipality | Municipality Name | Day of Week: ☐ Sun ☐ Thu ☐ Mon ☐ Fri ☐ Tue ☐ Sat ☐ Wed ☐ Unk

Crash Date (MM-DD-YYYY) | Crash Time (Military) | No of Units | No of People | No Injured | No Killed (If > 00, Complete Form: AA 45 F 1)

Reportable Crash	Notify Highway Maintenance	School Bus Related	School Zone Related	PennDOT Property
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Unit Information

Unit Number | Delete? | Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian ☐ Hit & Run Vehicle ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Illegally Parked ☐ Disabled From Previous Crash ☐ Legally Parked ☐ Train ☐ Non - Motorized ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Commercial Vehicle ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

Insurance ☐ Yes ☐ No ☐ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed ☐ Yes ☐ No | Towed To | Towed By | Tow Agency Phone

Unit Information

Unit Number | Delete? | Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian ☐ Hit & Run Vehicle ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Illegally Parked ☐ Disabled From Previous Crash ☐ Legally Parked ☐ Train ☐ Non - Motorized ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Commercial Vehicle ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

Insurance ☐ Yes ☐ No ☐ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed ☐ Yes ☐ No | Towed To | Towed By | Tow Agency Phone

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number
New ~~P0373448~~
Change/ Continuation
Delete Page P0373577

AA 45 8 1 000467 Page: 1 8

Police, emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

[redacted]

Narrative 12/05/02

THIS CASE IS STILL PENDING RECEIPT OF THE CORONERS REPORT

Witness Information and Narrative

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001238-02

Crash Number: P0463214

FRT

AA 45 1 1

Case Closed: ☒ Yes ☐ No

Page: 19

☐ New ☒ Change/Continuation

P03735777

Police Agency Data

Incident Number: C01-0722338

Police Agency: 68C01

Patrol Zone: 5

Agency Name: PA STATE POLICE

Precinct: PUNXSUTAWNEY 1310

Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil): 0412

Arrival Time (mil): 0500

Investigator: TPR GUY A. BATTESTILLI

Badge Number: 5812

Reviewer: CPL JEFFREY L. EDWARDS SS48

Badge Number:

Approval Date (MM-DD-YYYY): 01-11-2003

Crash Data

County:

County Name:

Municipality:

Municipality Name:

Day of Week: ☐ Sun ☐ Thu ☐ Mon ☐ Fri ☐ Tue ☐ Sat ☐ Wed ☐ Unk

Crash Date (MM-DD-YYYY):

Crash Time (Military):

No of Units:

No of People:

No Injured:

No Killed: (If > 00, Complete Form: AA 45 F 1)

Reportable Crash: ☐ Yes ☐ No

Notify Highway Maintenance: ☐ Yes ☐ No

School Bus Related: ☐ Yes ☐ No

School Zone Related: ☐ Yes ☐ No

PennDOT Property: ☐ Yes ☐ No

Unit Information

Unit Number:

Delete?

Type Unit: ☐ Motor Vehicle in Transport ☐ Hit & Run Vehicle ☐ Illegally Parked ☐ Legally Parked ☐ Non - Motorized ☐ Pedestrian ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Disabled From Previous Crash ☐ Train ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI:

MI:

Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle: ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance: ☐ Yes ☐ No ☐ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed: ☐ Yes ☐ No

Towed To:

Towed By:

Tow Agency Phone:

Unit Information

Unit Number:

Delete?

Type Unit: ☐ Motor Vehicle in Transport ☐ Hit & Run Vehicle ☐ Illegally Parked ☐ Legally Parked ☐ Non - Motorized ☐ Pedestrian ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Disabled From Previous Crash ☐ Train ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI:

MI:

Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle: ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance: ☐ Yes ☐ No ☐ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed: ☐ Yes ☐ No

Towed To:

Towed By:

Tow Agency Phone:

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

EN

AA45 8:1

001239

Page 20

☐ New
☒ Change/Continuation
☐ Delete Page

Crash Number
P0380357

P 0 3 7 3 5 7 2

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency:

Medical Facility:

Witness 1:

Address:

Phone:

Witness 2:

Address:

Phone:

Narrative:

A COPY OF THE CORONERS REPORT WAS RECEIVED. THE CAUSE OF DEATH IS LISTED AS A FLAIL CHEST + MVA. THE REPORT WILL BE PLACED IN THE ATTACHMENT FILE.

CORONER'S FIELD REPORT

10702

Clearfield County, PA
R. JOEL HEATH, Coroner

TELEPHONE
(814) 339-7528

ADDRESS
P.O. Box 145
Osceola Mills, PA 16666

NAME Richard A Eazor 268-3375 Sex m Race White

HOME ADDRESS 200 main St Brockway Pa 15824

If under 1 Year

Birthdate 6/29/59 Age 43 Mo. ____ Days ____ Soc. Sec. No. 184-52-5367

Date/Time of Death: Pronounced: Day 10-6-02 Sunday Time 5:06 Am Married ____ Never Married X

Widowed ____ Divorced ____

Estimated: Day ____ Time ____ Separated ____ Unknown ____

CAUSE OF DEATH: a. Flat Chest

b. mva

c. ____

Other Significant Conditions: ____

MANNER OF DEATH: Natural ____ Suicide ____ Undetermined ____

Accidental X Homicide ____ Under Investigation ____

Pronounced Dead By Dr Palmer Location Demc West

Next of Kin (Notified):

Name Richard Eazor (Father) Candy Eazor (Sister) 378-4920 Relationship Father

Address ____ Brockway Telephone ____

Place of accident, collapse, etc.: (include township or borough) SR 949 + Spring Creek Rd, Heath Twp Jefferson Co

Means of Identification ____

Condition of Body: Fully clothed ✓ Partially clothed ____ Unclothed ____ Describe:

Jeans, Socks, Shoes Shirt Removed

Preservation: Well Preserved ✓ Decomposed ____ Describe: ____

Estimated Rigor: None ____ Complete ____ Head ____ Arms ____ Legs ____

Livor: None ____ Front ____ Back ____ Localized ____

Blood: Absent ✓ Present ____ Location ____

Time Call Recv'd 5:58 Am From Dengen Time of Arrival 6:40 Photos Taken ____

Apparent Wounds: None _____ Gunshot _____ Stab _____ Blunt Force _____

Describe Primary: _____

_____

Primary Location: Head _____ Neck _____ Chest _____ Abdomen _____ Extremities _____

Hanging: Yes _____ No _____ Means _____

Deceased Found: Date _____ Time _____ By Whom _____

Address (if different) _____

Location: Apartment _____ House _____ Townhouse _____ Other (describe) _____

Entrance By: Key _____ Cutting Chain _____ Forcing Door _____ Other (describe) _____

_____

Condition of other doors & windows: Open _____ Closed _____ Locked _____ Unlocked _____

Body Found: Dining Room _____ Living Room _____ Bedroom ___ Kitchen _____ Attic _____

Basement _____ Other (describe) _____

Location in Room: _____

Position of body: On back _____ Face Down _____ Other (describe) _____

Conditions of Surroundings: Orderly _____ Untidy _____ Disarray _____ Normal? _____

Lights _____

Evidence of Last Food Preparation:

Where: _____

Type: _____

Dated Materials and Where Found:

Mail: _____

Newspapers: _____

Vehicle Involved: Make Chevy Coesica Color _____ Reg. # _____

Last Contact with Deceased: Date _____ Type of Contact: _____

Name of Contact: _____ Phone: _____

Police or Emergency Personnel Notified By:

Name _____ Relationship _____

Address _____ Telephone _____

Date _____ Time _____ Manner _____

Evidence of Drug Use: (Prescription and Nonprescription) Yes _____ No _____

List or Describe _____

_____

_____

Doctor Devlin Address _____ Phone _____

Evidence of Drug Paraphernalia: Yes _____ No ✓ Describe: _____

_____

Evidence of Alcohol Intake: Yes _____ No _____ Describe: _____

_____

Weapons Present:

Gun: Yes _____ No ✓ Caliber _____ Make _____

Model _____ Serial No. _____

Knife: Yes _____ No ✓ Describe: _____

Other: (describe) _____

Disposition of Weapon(s): _____

Evidence of Sexual Deviate Practices: Yes _____ No ✓ Describe: _____

_____

Investigating Officer: Lpn Battestilli Department PSP Punxsy

Disposition of Body: Altoona for a Autopsy → Goble - Barnick F.H.

Per Family

Autopsy: Yes X No _____ Reason: Determine who was the driver

By: Dr Cottle Location Altoona

Blood Drawn: Yes X No _____ Kit Number _____ Time 6:45 am.

Valuables Retained: none hospital found no valuables

_____

Disposition of Valuables: _____

Operator's License Attached: Yes _____ No X OLN Out Suspension

Mileage form _____ To _____

_____ Total Miles Traveled: _____

Telephone _____ Miscellaneous _____

NARRATIVE

10-6-02 pt brought into ER found in Cardiac Arrest upon Arrival to Scene. CPR in progress. He had been involved in a mva unknown if he was the driver or not.

CORONER/Deputy Coroner

10-6-02 pt involved in a mva. was picked up by by Standondo and taken to different location. he was walking around and collapsed upon EMS arrival he was found in full Cardiac arrest. CPR Started by BLS upon ALS arrival he was Asystole medic moved to next pt CPR was Cont. until medComm was Contacted 2nd medic took over Everything stopped at Pronounced 5:06am

It is unknown if he was the driver or passanger

Cable Brennick Funeral Home
814-371-2040

Kim Shaffer
Deputy Coroner
371-6337 (H)
371-6321 (W) 9-4

DEATH REPORT

CORONER'S NAME Kim Shaffer COUNTY Clearfield DATE MAILED 10-8-02

DATE OF ACCIDENT 10-6-02 HOUR 3:40 A.M. ____ P.M. DAY OF WEEK Sunday

NAME OF INVESTIGATING POLICE AGENCY PSP Punxsy Tpr Battestilli

LOCATION OF ACCIDENT
IF ON HIGHWAY OUTSIDE CITY OR TOWN 8 MILES
☐ NORTH ☒ SOUTH ☐ EAST ☒ WEST OF Sigel (NEAREST CITY-TOWN) ON RT. NO. 949 IN Jefferson (COUNTY)

IF IN CITY OR TOWN ____ (STREET)
☐ AT ☐ NEAR INTERSECTION WITH ____ (STREET) IN ____ (CITY OR TOWNSHIP)

1.
NAME OF DECEASED Richard Eazer AGE 43 SEX male

ADDRESS OF DECEASED 200 main St (STREET) CITY Beockway COUNTY Jefferson STATE Pa

TYPE OF INJURY CAUSING DEATH 10 Fx Ribs Fx Sternum

DRIVER ☒ OCCUPANT ☐ PEDESTRIAN ☐ BICYCLE ☐ SLED ☐ OTHER ☐

RESULT OF AUTOPSY, IF PERFORMED Flail Chest, mva

DATE AND TIME OF DEATH. DATE 10-6-02 HR. 5:06 A.M. ____ P.M.

HAD DECEASED OPERATOR OR PEDESTRIAN BEEN DRINKING? YES ____ % ☐ NO ☒ UNKNOWN ☐ NO TEST GIVEN

DRUGS NOTED IN TOXICOLOGY REPORT
(Other than alcohol) (excluding nicotine, aspirin) ☐ YES ☐ NO ☒ UNKNOWN ☐ NO TEST GIVEN

2.
NAME OF DECEASED ____ AGE ____ SEX ____

ADDRESS OF DECEASED ____ (STREET) CITY ____ COUNTY ____ STATE ____

TYPE OF INJURY CAUSING DEATH ____

DRIVER ☐ OCCUPANT ☐ PEDESTRIAN ☐ BICYCLE ☐ SLED ☐ OTHER ☐

RESULT OF AUTOPSY, IF PERFORMED ____

DATE AND TIME OF DEATH. DATE ____ HR. ____ A.M. ____ P.M.

HAD DECEASED OPERATOR OR PEDESTRIAN BEEN DRINKING? YES ____ % ☐ NO ☐ UNKNOWN ☐ NO TEST GIVEN

DRUGS NOTED IN TOXICOLOGY REPORT
(Other than alcohol) (excluding nicotine, aspirin) ☐ YES ☐ NO ☐ UNKNOWN ☐ NO TEST GIVEN

REMARKS ____

Kim Shaffer Deputy (CORONER'S SIGNATURE) 10-8-02 (DATE)

0 19

OFFICE OF THE CORONER

Clearfield County

Pennsylvania

Dr. HAROLD R. COTTLE, Forensic Pathologist, of Hollidaysburg, PA., is hereby authorized to perform a postmortem examination on the body of the late Richard A Eazor (Name), of 200 Main St Brockway Pa 15824 (address) who died on 10/6/02 2002, 19 ____ at 5:06 am/pm.

Special instructions or limitations: _____

Determine if he was the passanger or Dr.

10-6-02

(DATE)

Kim Shaffer Deputy

CORONER
DEPUTY CORONER

Coble - Baronick FH

1/92

OFFICE OF THE CORONER

County of Clearfield

R. JOEL HEATH, CORONER
P.O. BOX 145
OSCEOLA MILLS, PA. 16666

Telephone (814) 339-7528
Fax (814) 339-7358

H-102.003 (5-84)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH
BUREAU OF LABORATORIES

FORWARD TO CORONER

REPORT OF TOXICOLOGY STUDIES

ACTS 237-1968; 260-1982

NAME OF DECEASED (LAST, FIRST, MIDDLE)					No. 018788
Eqzor Richard					
DATE OF ACCIDENT	TIME OF ACCIDENT	AGE	SEX	RACE	
10/6/02	3:40 AM PM	43	(M) F	White	
DATE OF DEATH	TIME OF DEATH	DECEASED WAS		COUNTY WHERE ACCIDENT OCCURRED	
10/6/02	5:06 AM PM	☐ DRIVER ☐ PEDESTRIAN		Jefferson	
DATE SAMPLE TAKEN	TIME SAMPLE TAKEN	SITE OF SAMPLE COLLECTION			
10/6/02	6:45 AM PM	☒ HEART ☐ OTHER (SPECIFY)			
SAMPLE COLLECTED BY (LAST NAME, FIRST, MIDDLE)				DATE SAMPLE MAILED	
Shaffer Kim				10/6/02	
FACILITY WHERE SPECIMEN WAS COLLECTED NAME / ADDRESS	DRMC DuBois Pa 15801				
CAUSE OF DEATH	MVA Pending Autopsy Results				
CORONER SIGNATURE	Kim Shaffer	CORONER'S PHONE NO. Office	814-339-7528	COUNTY	Clearfield

LABORATORY USE ONLY

DATE SPECIMEN RECEIVED	CONDITION OF SPECIMEN		
10/9/02	(1) SATISFACTORY (2) UNSATISFACTORY-CLOT		
RESULT OF BLOOD ALCOHOL DETERMINATION		DATE OF ANALYSIS	PERFORMED BY
☐ NO ETHANOL DETECTABLE		10/9/02	L.H.
98 mg ETHANOL/DECILITER			
0.098 % w/v ETHANOL			
OTHER POSITIVE TOXICOLOGY RESULTS:			

TYPE/PRINT IN PERMANENT BLACK INK

CERTIFICATE OF DEATH
(Coroner)

10702

17

DECEDENT PERSONAL DATA

1. NAME OF DECEDENT (First, Middle, Last): Richard Eazor				SEX: Male	3. SOCIAL SECURITY NUMBER: 184-52-5367	4. DATE OF DEATH (Month, Day, Year): October 6, 2002
5. AGE (Last Birthday): 43 Yrs.	UNDER 1 YEAR: Months / Days	UNDER 1 DAY: Hours / Minutes	6. DATE OF BIRTH (Month, Day, Year): June 29, 1959	7. BIRTHPLACE (City and State or Foreign Country): Aliquippa, PA	PLACE OF DEATH (Check only one — see instructions on other side): HOSPITAL: Inpatient ☐ ER/Outpatient ☒ DOA ☐	OTHER: Nursing Home ☐ Residence ☐ Other (Specify) ☐
8b. COUNTY OF DEATH: Clearfield	8c. CITY, BORO, TWP OF DEATH: DuBois City	8d. FACILITY NAME (If not institution, give street and number): DuBois Regional Med. Ceneter			9. WAS DECEDENT OF HISPANIC ORIGIN? No ☒ Yes ☐ If yes, specify Cuban, Mexican, Puerto Rican, etc.	10. RACE - American Indian, Black, White, (Specify): White
11a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life; do not use retired.): Owner/operator	11b. KIND OF BUSINESS/INDUSTRY: Auto Dealership	12. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes ☐ No ☒	13. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 12 / College (1-4 or 5+):		14. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify): Never Married	SURVIVING SPOUSE (If wife, give maiden name):
16. DECEDENT'S MAILING ADDRESS (Street, City/Town, State, Zip Code): 200 Main St. Brockway, Pa 15824	DECEDENT'S ACTUAL RESIDENCE (See instructions on other side): 17a. State PA; 17b. County Jefferson	Did decedent live in a township? 17c. ☐ Yes, decedent lived in ____	17d. ☒ No, decedent lived within actual limits of Brockway			
18. FATHER'S NAME (First, Middle, Last): J. Richard Eazor			19. MOTHER'S NAME (First, Middle, Maiden Surname): Wanda Martin			
20a. INFORMANT'S NAME (Type/Print): J. Richard Eazor			20b. INFORMANT'S MAILING ADDRESS (Street, City/Town, State, Zip Code): 5767 Rt. 219 North, Brockport, PA 15823			

DISPOSITION

METHOD OF DISPOSITION: Burial ☐ Cremation ☒ Removal from State ☐ Donation ☐ Other (Specify) ☐ 21a.	DATE OF DISPOSITION (Month, Day, Year): Oct. 9, 2002 21b.	PLACE OF DISPOSITION - Name of Cemetary, Crematory or Other Place: Northwest PA Crematory 21c.	LOCATION - City/Town, State, Zip Code: 330 Wood St. Clarion, PA 16214 21d.
22a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH	22b. LICENSE NUMBER: 013700-L	22c. NAME AND ADDRESS OF FACILITY: Goble-Baronick F.H. 211 South Main St. DuBois, PA 15801	

PRONOUNCING PHYSICIAN ONLY (Sec.definitions on other side)

Complete Items 23a-c only when certifying physician is not available at time of death to certify cause of death.	To the best of my knowledge, death occurred at the time, date and place stated. (Signature and Title) 23a.	LICENSE NUMBER 23b.	DATE SIGNED (Month, Day, Year): October 7, 2002 23c.
Items 24-26 must be completed by person who pronounces death.	TIME OF DEATH: 5:06 AM M. 24.	DATE PRONOUNCED DEAD (Month, Day, Year): October 6, 2002 25.	WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? Yes ☒ No ☐ 26.

CAUSE OF DEATH (See instructions on other side)

27. PART I: Enter the diseases, injuries or complications which caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.

		Approximate interval between onset and death
IMMEDIATE CAUSE (Final disease or condition resulting in death) ——► a.	Flail Chest	
Sequentially list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST — DUE TO (OR AS A CONSEQUENCE OF): b.	MVA	
DUE TO (OR AS A CONSEQUENCE OF): c.		
DUE TO (OR AS A CONSEQUENCE OF): d.		

PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.

WAS AN AUTOPSY PERFORMED? Yes ☒ No ☐ 28a.	WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes ☒ No ☐ 28b.	MANNER OF DEATH: Natural ☐ Accident ☒ Suicide ☐ Homicide ☐ Pending Investigation ☐ Could not be determined ☐ 29.	DATE OF INJURY (Month, Day, Year): October 6 30a. 2002	TIME OF INJURY: 3:40 AM 30b.	INJURY AT WORK? Yes ☐ No ☒ 30c.	DESCRIBE HOW INJURY OCCURRED: 1 vehicle accident head on into tree 30d.	
PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify): SR 949 30e.	LOCATION (Street, City/Town, State): 30f. SR 949 / Spring Creek Rd Sigel Pa						

CERTIFIER (See instructions on other side)

CERTIFIER (Check only one)

*CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed Item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated. ☐

*PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐

*MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. 31a. ☒

SIGNATURE AND TITLE OF CERTIFIER: 31b. Kim Shaffer Deputy Coroner	LICENSE NUMBER 31c.	DATE SIGNED (Month, Day, Year): October 7, 2002 31d.
NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 27) Type or Print: Kim Shaffer RD 4 Box 178 DuBois, PA 32.		
REGISTRAR'S SIGNATURE AND NUMBER: 33. David L. Davies 1/7/82	DATE FILED (Month, Day, Year): 34. Oct 09 2002	

ALIAS USED

NAME OF DECEDENT

HAROLD R. COTTLE, M.D., F.C.A.P., F.A.S.C.P.
LABORATORY MEDICINE AND FORENSIC PATHOLOGY
25 SYLVAN DRIVE
HOLLIDAYSBURG, PA 16648-2718

NO. CFCA02-15

AUTOPSY REPORT FOR Clearfield County Coroner

DECEASED'S NAME Richard A. EAZOR

S.S. 184-52-5367 DATE OF BIRTH 06/29/59 AGE 43 SEX M

TIME AND DATE OF DEATH Sunday, October 06, 2002, pronounced 6:02 AM

AUTOPSY DIAGNOSES

1. Crushing Chest Injury.
   A) Fractured ribs I through X bilaterally and sternum
   B) Superficial lacerations of right lobe of liver

Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

AUTOPSY WAS PERFORMED AT THE MORGUE OF THE Bon Secours-Holy Family ~~XXXXXXXXXX~~ HOSPITAL
Altoona, PA ON Monday October 07, 2002 FROM 8:05 AM/~~XX~~ TO
8:50 AM/~~XX~~ BY HAROLD R. COTTLE, MD, FORENSIC PATHOLOGIST. ASST. W. Swanger
WITNESSES NONE

1/0.0

GROSS DESCRIPTION

EXTERNAL EXAMINATION

The body is that of a well-developed, well-nourished, muscular middle-aged, white male, has not been previously embalmed or prepared for burial or viewing in any respect and when first seen in the morgue of the Bon Secours-Holy Family Hospital, Altoona, PA., is clad only in a pair of gray, "jockey"-type briefs, blue denim jeans, white, cotton, mid-calf sock and black work boot on the right foot with matching items from the left side inside the body bag but no longer on the foot. The body is 69 inches (175 cm) long with estimated weight of 220 lbs. There is a wallet with papers, key holder with 6-8 keys, $29.00 in bills and Visa and Mastercard credit cards with a business card in the name of the deceased as Chevrolet-Pontiac dealer from Brockway, PA. There are also cards in the wallet of adult Parole Officers in Jefferson County and Clearfield County. The outer aspect of the body includes three, faint, red, contusive marks in a pattern of concentric arches over the lower mid-chest anteriorly and abrasions over the anterolateral aspect of the left upper arm and the left elbow posteriorly. Intravenous marks from attempts at needle insertion are noted in both antecubital areas and the anterior left wrist area. A plastic identification band is present around the left wrist. A small, old vaccination scar is present over the left deltoid region. Three, small, white, EKG patches and two, large, oblong ones are present attached to the chest wall. No other external features of note are seen externally, although subcutaneous hematomas of

some size are present over the antero-lateral chest on the right and the antero-lateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein.

The head is normocephalic with no significant externally visible deformity or sign of injury and is covered with gray-brown hair of ordinary male length and arrangement. A small goatee is present at the tip of the chin and a narrow mustache on the upper lip. The face is otherwise clean shaven elsewhere. The head, as mentioned above, is normocephalic. The eyes are brown with round, regular, equal, 5 mm pupils. The ears are of ordinary appearance and are not pierced. The nose shows slight abrasion over the bridge. The throat and mouth are of ordinary appearance and symmetrical to external examination. The natural teeth are present and in a good state of repair. The hands are not remarkable; the fingernails cut very short but not apparently bitten. The chest cavity exhibits palpable fracture of most ribs in anterior axillary line and will be described in greater detail after chest opening. The face is not itself remarkable. The panniculus adiposus is 3.5 cm thick and anteriorly bloody over the chest. There is marked livor in the posterior superior regions of the trunk. The neck shows no crepitus or abnormal mobility of the head upon the cervical spine. The normal male breasts, abdomen, back and extremities are generally symmetrical and not remarkable other than as described. A moderate degree of post-mortem rigor remains.

NECK

The soft tissues of the neck, including the thyroid are normally located, of ordinary appearance and not remarkable. The larynx and hyoid bone and their immediately associated soft tissues, are intact, lie in the midline and show no evidence of local trauma.

CHEST

The skin, bloody subcutaneous tissue, well-developed musculature and much fractured rib cage are symmetrical and not otherwise remarkable. The pleural cavities contain blood bilaterally. The pericardial cavity is intact. The mediastinal soft tissues, include a moderate amount of ecchymotic hemorrhage. The 5 gram, fatty, atrophic thymus is present in the usual site. Detailed examination of the rib cage, shows fracture of right ribs 1-10 in the anterior to mid-axillary lines and of left rib 1-10 in the anterior axillary line. The sternum is fractured at the junction of its manubrium and body. There are no apparent fractures of the lower extremities or the upper extremity, neck and skull. Blood is present to the extent of an estimated 500 cc in the right chest and 200 cc in the left chest.

HEART

425 grams (estimated weight). The smooth, glistening, intact pericardial sac, epicardium and endocardial lining are not remarkable. The myocardium is uniformly firm and reddish brown. The valve leaflets, great vessels, interventricular and interatrial septa are intact, normally arranged and show no direct, intrinsic abnormality. The cardiac

dimensions are within normal limits. The coronary arteries show an ordinary pattern of arrangement and a moderate degree of atheromatosis with no serious narrowing or other gross abnormality.

LUNGS

Right 500 grams, Left 450 grams (estimated weights). These show a moderate degree of multi-focal congestion and hemorrhage with no other significant abnormality to be seen. The tracheobronchial tree is not remarkable. The pulmonary artery and its major branches are normally arranged and a few of the branches are associated with pleural lacerations which are the apparent source of the blood in the pleural cavities.

DIAPHRAGM

This is intact, lies at the usual levels and is not grossly remarkable.

AORTA

This and its principal branches are normally arranged and not grossly remarkable.

ABDOMEN

The abdominal organs are, for the most part, normally arranged and related. The umbilicus is closed, fibrotic and not remarkable.

LIVER

1,500 grams (estimated weight). This exhibits superficial lacerations on the anterior aspect of the right lobe of the liver and

approximately 50 cc of blood in the upper peritoneal cavity is apparently derived therefrom.

GALLBLADDER

This is intact, lies in the usual location and is not grossly remarkable.

SPLEEN

190 grams. The splenic capsule is intact, smooth, glistening and not grossly remarkable. The enclosed pulp is also unremarkable.

PANCREAS

This is of ordinary size, shape, appearance, location and not remarkable.

GI TRACT

The esophagus, stomach with 200 ml of watery (non-bloody) fluid contained therein, the small bowel, colon and appendix are normally arranged and not remarkable. The mesentery is intact and not grossly remarkable.

ADRENALS

These are in the usual location and of ordinary appearance in all respects.

KIDNEYS

150 grams ea. (estimated weights). Intact capsules are easily stripped from smooth surfaced cortices of ordinary thickness, appearance and arrangement. Medullary pyramids, calices, pelves and ureters of usual dimension, arrangement and appearance are present bilaterally.

BLADDER

This is intact, contains 500 ml of watery, colorless urine and is not in any way traumatized or otherwise abnormal.

PROSTATE

This is of ordinary size, shape, normally located and not grossly remarkable. It is neither enlarged nor nodular.

TESTES

These are symmetrically arranged within the scrotum and are not grossly remarkable.

EXTERNAL GENITALIA

These are circumcised and of ordinary size, shape and appearance for a male of this age.

BRAIN

This is not removed for examination. The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise.

HRC/wss
10/30/2002

FINAL CASE SUMMARY

This 43 year-old, male who seemed to have been involved in a motor vehicle collision was found conscious and on his feet by by-standards and very shortly thereafter unconscious and unresuscitatible by EMTs. Little information is available at time of Autopsy but the latter showed massive, crushing chest injury as the obvious, immediate cause of death in this case of physical injury.

Harold R. Cottle M.D.

Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

NMS

NATIONAL MEDICAL SERVICES

CONFIDENTIAL

November 6, 2002

TO: Clearfield County Coroner
Attn: R. Joel Heath
P.O. Box 145
Osceola Mills, PA 16666

TOXICOLOGY REPORT OF: **EAZOR, Richard A.** **(CFCA02-15)** **43/M**
NMS Control No.: 861535

SPECIMENS: One grey vial containing ~ 5.75 mL of blood, two red top tubes (one containing ~ 5.25 mL of blood and one containing ~ 6.75 mL of urine) and one lavender top tube containing ~ 4 mL of blood were received on 10/08/02.

EXAMINATION: Analysis Requested - Panel 8101 - Autopsy Toxicology Alcohol and Screen for Common Drugs of Abuse

FINDINGS:

Blood

ETHYL ALCOHOL (by Enzymatic Assay & Headspace GC)	147 mg/dL (BAC=0.14 % w/v)
BENZODIAZEPINES CROSS-REACTIVES (by ELISA)	Positive
DIAZEPAM (by GC/MS)	52 nanog/mL
CANNABINOIDS CROSS-REACTIVES (by ELISA)	Positive
DELTA-9 THC (by GC/MS)	None Detected Reporting Limit: 1.0 nanog/mL
11-HYDROXY DELTA-9 THC (by GC/MS)	None Detected Reporting Limit: 5.0 nanog/mL
DELTA-9 CARBOXY THC (by GC/MS)	Less than 5.0 nanog/mL

Urine

ETHYL ALCOHOL (by Headspace GC)	234 mg/dL (0.23 % w/v)

Other than the above findings, examination of the specimens submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

COMMENTS:

1. Ethyl alcohol is a CNS-depressant and has effects so-related, e.g., impaired judgment, alertness and coordination.

   If the determined blood alcohol concentration (BAC) is representative of the circulating BAC at the time of the fatal incident, then it represents as absorbed body burden of approximately 6-7 "drinks" of an alcoholic beverage in an adult of average size weighing approximately 155 lbs.

   Note: a "drink" = 1 oz. of distilled spirits
   4 oz. of wine
   12 oz. of beer

   Each of the drinks listed above contains about the same amount of ethyl alcohol.

2. Diazepam (Valium®) is a benzodiazepine used primarily for its sedative anxiolytic or muscle relaxing effects. It is a U.S. DEA Schedule IV listed central nervous system depressant, and patients using this medication are warned accordingly, especially concerning motor functions. It is habituating, and frequently abused. It is metabolized to several pharmacologically active compounds: nordiazepam, oxazepam and temazepam. In order to evaluate the effects of this compound, concentrations of these metabolites must also be considered.

   The reported diazepam concentration in a chronic steady-state regimen of 5 mg twice daily ranges from 100 to 400 nanog/mL with nordiazepam being in the range of 130 to 500 nanog/mL. Oxazepam and temazepam may be present in very low concentrations.

   Toxic effects may be produced by blood concentrations in excess of 1500 nanog/mL; fatalities produced by diazepam alone are rare, but may occur at blood concentrations greater than 5000 nanog/mL. Alcohol greatly enhances the activity of the benzodiazepines.

3. Marihuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marihuana are known as Cannabinoids.

   Delta-9-THC is the principle psychoactive ingredient of marihuana/hashish. It rapidly leaves the blood, even during smoking, falling to below detectable levels within several hours. THC concentrations in blood are usually about one-half that of serum/plasma concentrations. The active metabolite, 11-hydroxy-THC, may also fall below detectable levels shortly after inhalation. Delta-9-carboxy-THC is the inactive metabolite of THC with peak concentrations attained 32-240 minutes after smoking and may be detected for up to one day or more in blood.

   Reported usual peak THC concentrations in serum after smoking 1.75% or 3.55% THC marihuana cigarettes are 50 to 270 nanog/mL after beginning of smoking, decreasing to less than 5 nanog/mL by 2 hrs. Corresponding delta-9-carboxy-THC concentrations range from 15 to 101 nanog/mL about 32-240 minutes after the beginning of smoking and decline slowly. Passive inhalation of marihuana smoke has been reported to produce THC concentrations up to 2 nanog/mL. Delta-9-carboxy THC concentrations may not be present following passive inhalation of marihuana smoke.

Respectfully,

George F. Jackson, Ph.D., DABFT
Forensic Toxicologist

GFJ/sdw

This analysis was performed under chain of custody. The chain of custody documentation is on file at National Medical Services, Inc.

The data generated in the determination of the results contained in this report are scheduled to be discarded eighteen (18) months from the date of the original report, unless alternate arrangements are made by you prior thereto.

The remainder of the submitted specimens are scheduled to be discarded six (6) weeks from the date of this report unless alternate arrangements are made by you prior thereto.

****** **** ANALYSIS SUMMARY **** ******

8101 - Autopsy Toxicology Alcohol and Screen for Common Drugs of Abuse

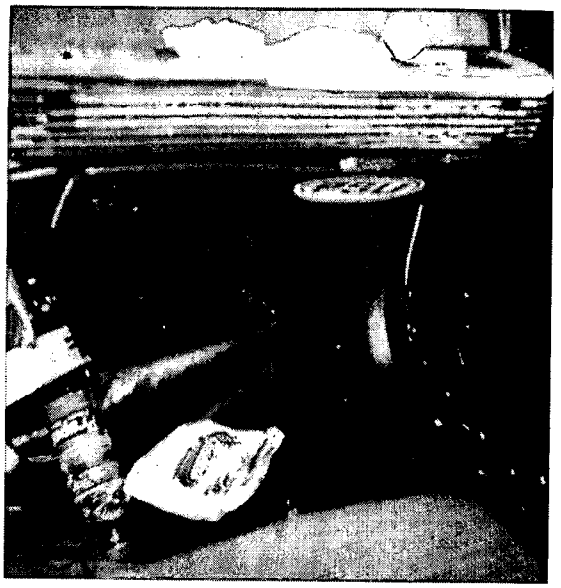
Test No. 8101 –Drug Screen by Enzyme-Linked Immunosorbent Assay (ELISA) on Blood for: Amphetamine, Barbiturates, Benzodiazepines, Benzoylecgonine (Cocaine), Cannabinoids (Marihuana), Methamphetamine, Methadone, Opiates, Phencyclidine (PCP) and Propoxyphene; Enzymatic Assay for: Ethanol (Ethyl alcohol).

Test No. 0170 - Alcohol Panel - Headspace Gas Chromatography on Blood and Urine for: Ethanol, Methanol, Acetone, Acetaldehyde and Isopropyl Alcohol.

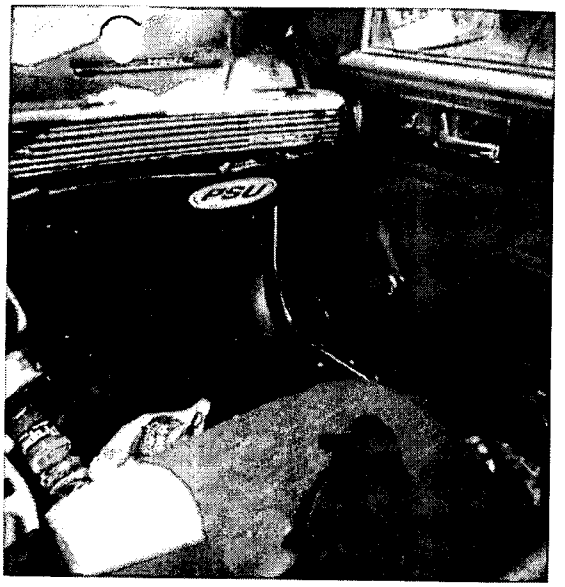
Test No. 9329 - Benzodiazepines Panel - Gas Chromatography/Mass Spectrometry on Blood for: Alprazolam, Chlordiazepoxide, Clonazepam, Desalkylflurazepam, Diazepam, Estazolam, Alphahydroxyalprazolam, Hydroxyethylflurazepam, Hydroxytriazolam, Lorazepam, Midazolam, Nordiazepam, Oxazepam, Temazepam and Triazolam.

Test No. 0960 - Cannabinoids - Gas Chromatography/Mass Spectrometry on Blood for: Delta-9-THC, 11-Hydroxy-THC and 9-Carboxy-THC.

******* END OF REPORT *******



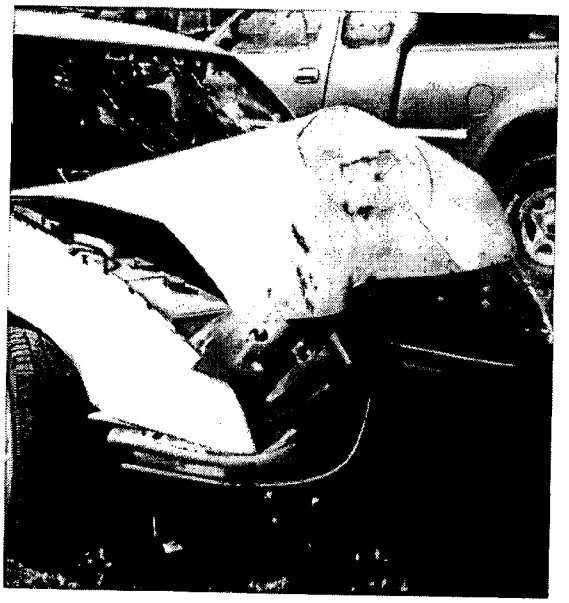
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TAKEN OCT-24-02



RICK EAZOR CASE
TAKEN OCT-24-02



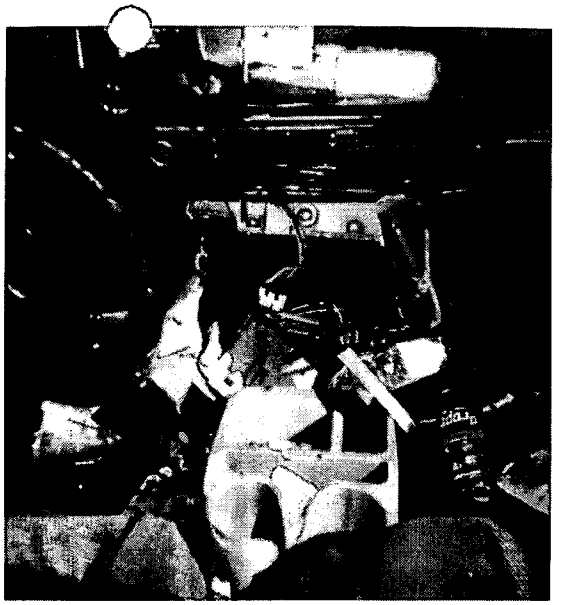
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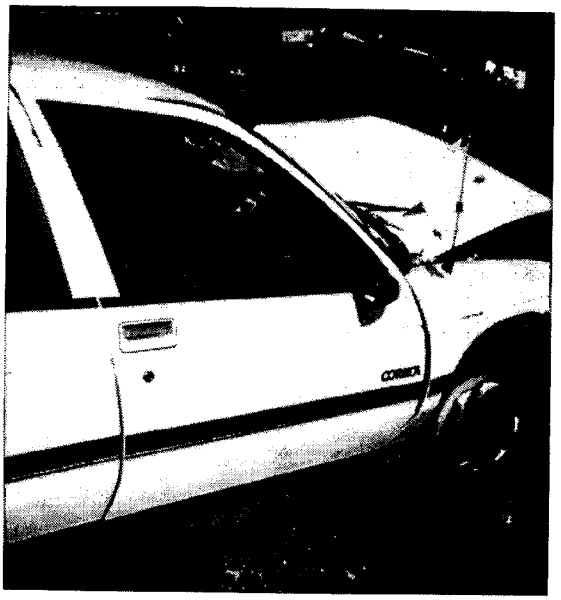
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TAKEN OCT-24-02



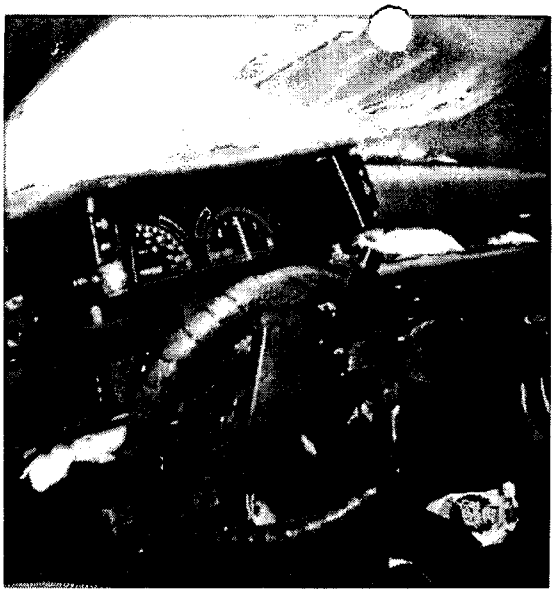
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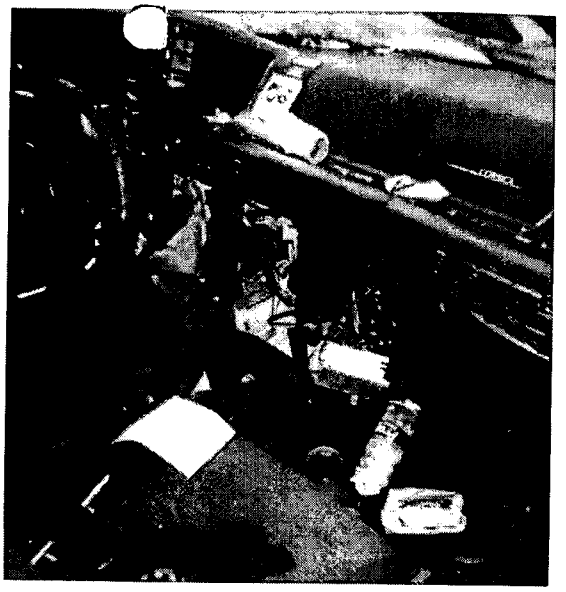
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RICK EAZOR
CASE



RICK EAZOR



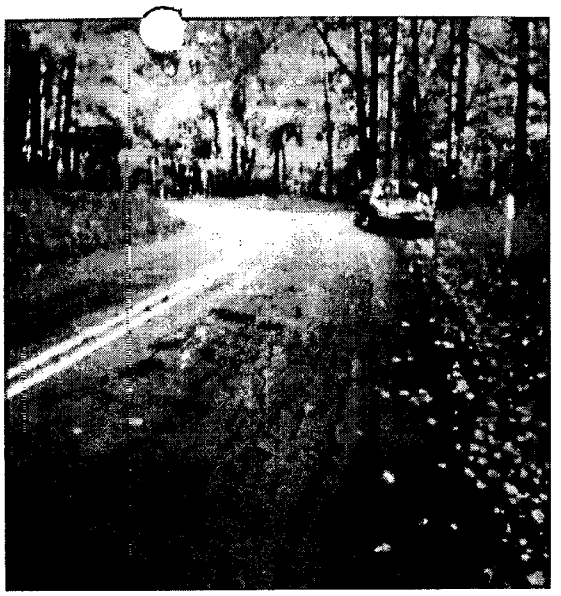
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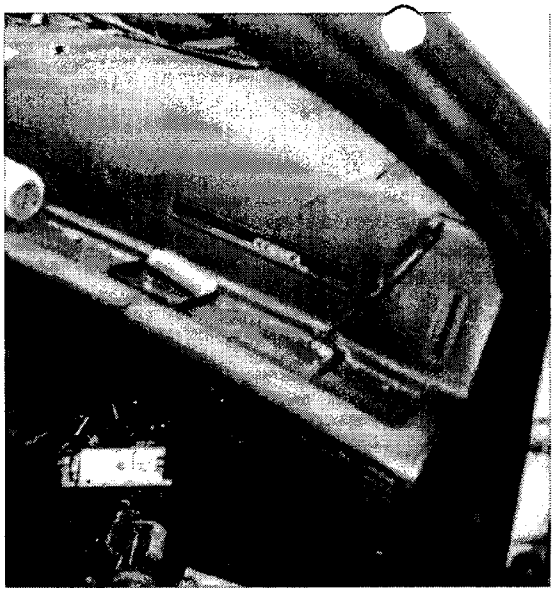
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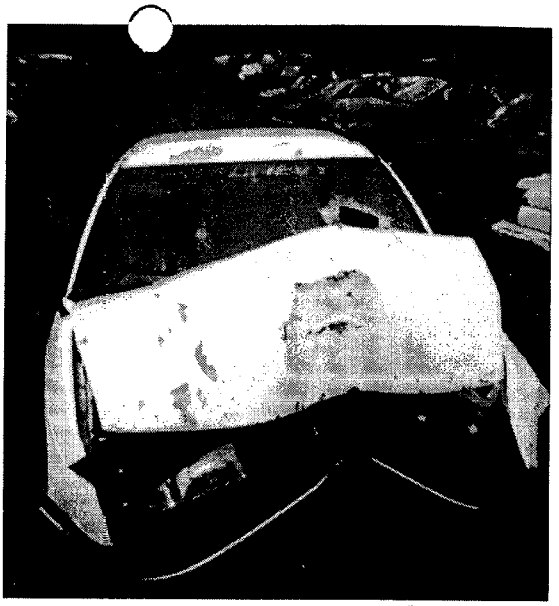
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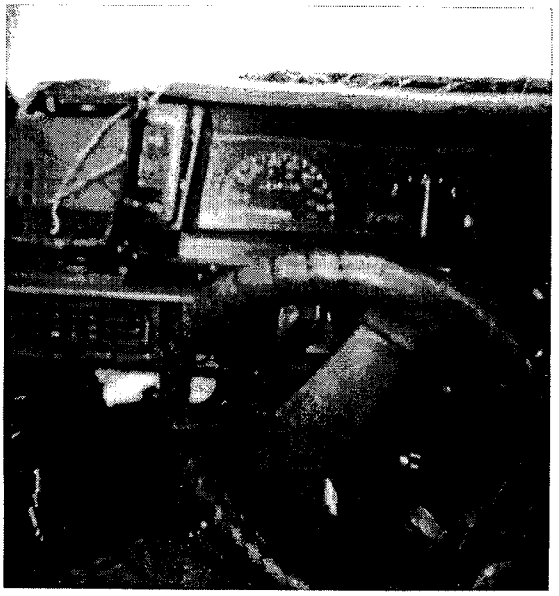
RICK EAZOR
CASE



SHARPE VEH. 4-10-03



SHARPE VEH 4-10-03



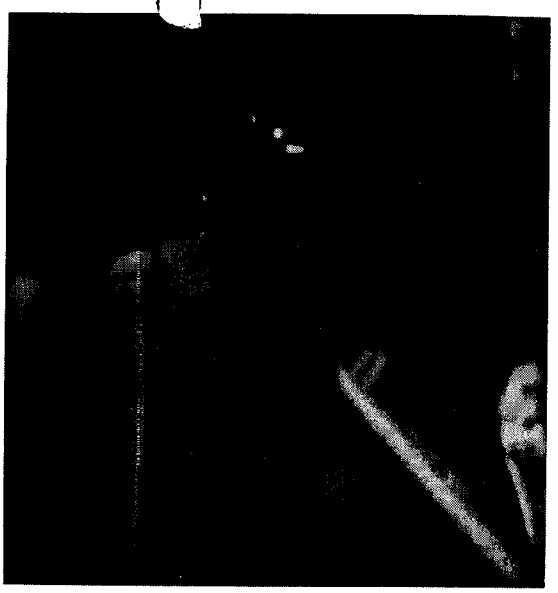
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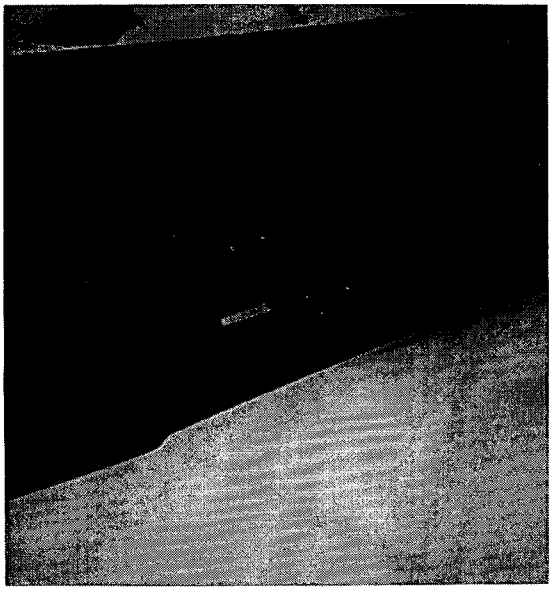
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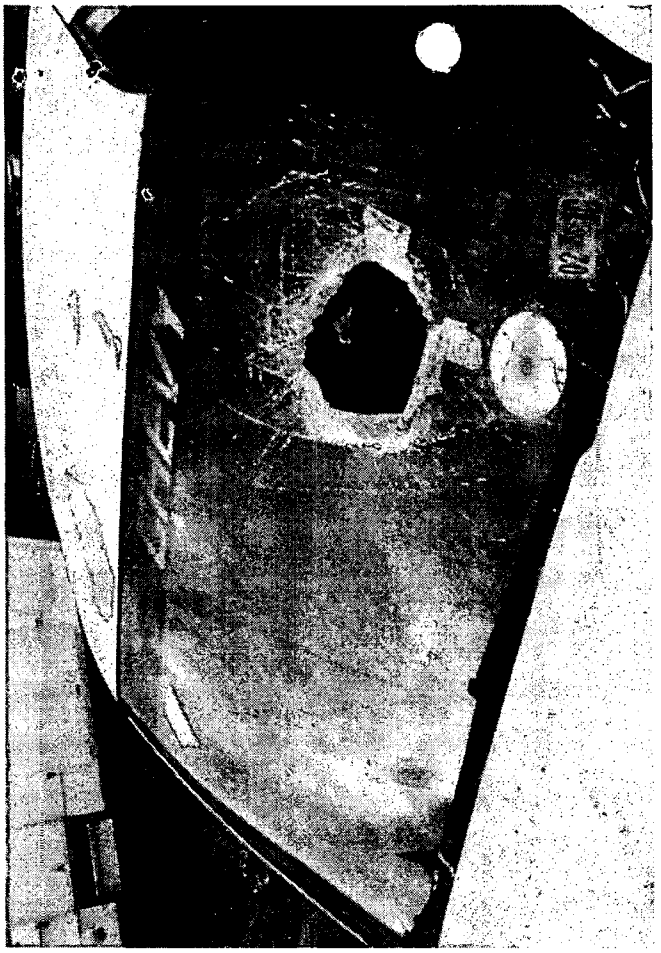
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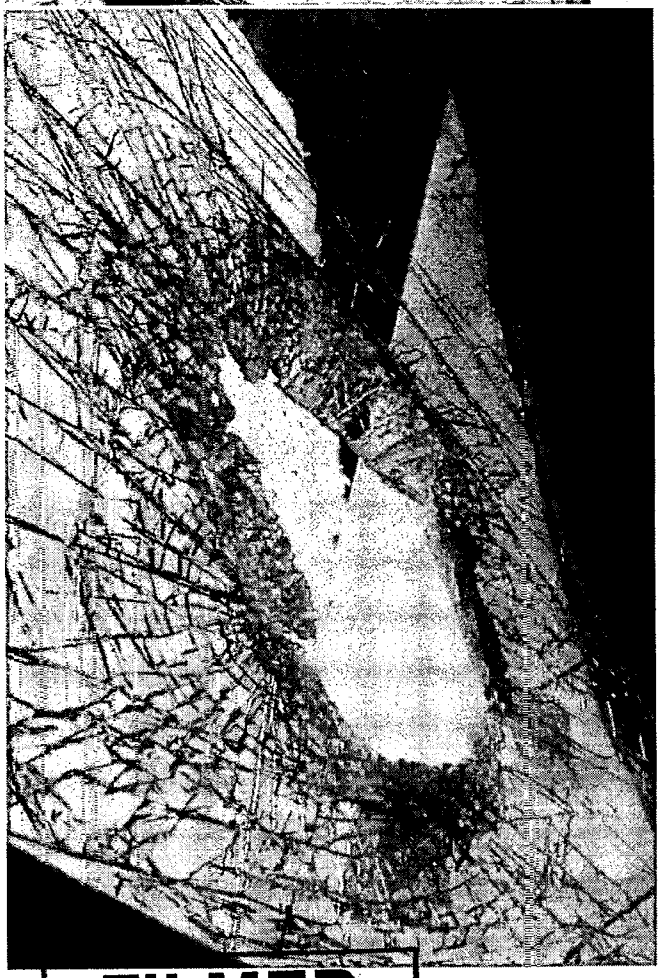
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FILMED
Roll #424 Frame 1317

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

OCT 17 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATED MAY 23, 2003**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 23RD DAY OF MAY, 2003.

Attorneys for Defendant

FILMED
Roll #484 Frame 1144

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

FILED
OCT 17 2003
TONYA S. GEIST
PRO. & CLERK of COURTS

REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATED MAY 23, 2003

AND NOW, comes Defendant, Lynn A. Sharp, by and through her attorneys, McINTYRE, DUGAS, HARTYE & SCHMITT, and requests that the Plaintiff, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, produce the following documents for inspection and copying within thirty (30) days after service hereof:

DEFINITIONS

1. "Document(s)" when used herein shall be used in its broadest sense and shall mean and include any and all written, recorded, graphic or tangible matter, whether produced by hand, recorded, or reproduced, or whether electronically produced or reproduced, and without limiting the generality of the foregoing, shall include all correspondence, memoranda, whether external or internal, records, reports, graphs, brochures, technical data, contracts, agreements, diagrams, maps, accounting records, accounting ledgers, financial statements, financial journals, check records, checks, tax records, photographs, films, telegrams specifications, manuals, papers, letters, notes, notations, notebooks, minutes or summaries of meetings, schedules, transcripts, diaries, publications, directives, instructions, computations, purchase orders, tabulations, invoices, bills, credit memos, receipts of delivery, mortgage documents, test records, laboratory reports, bills of lading, sketches, computer printouts, published sales aids, blueprints, plans, design drawings, product brochures, sales literature, records of shipment, advertisements, test films, laboratory notebooks, quality control tests, production records, and

any drafts, revisions or amendments or copies of the above that are within the knowledge, possession, custody, control or subject to the control of the plaintiff, its representatives, its agents or its counsel.

2. In producing documents, please specify the paragraph to which such documents relate.

3. For each document otherwise falling within this Request which plaintiff contends is excludable from discovery, please note with the objection to production of the following:

4. The date of the document;

5. Its general nature (e.g. letter, memorandum, test results, etc.);

6. The name(s) of the author(s);

7. The name(s) of recipient(s) of the document and of any drafts or copies thereof;

8. The person(s) having present custody thereof;

9. The basis for such claim of privilege or exclusion.

Please note that any and all information obtained via these discovery requests shall be used and maintained pursuant to the requirements of the Health Insurance Portability and Accountability Act, otherwise known as HIPAA.

REQUESTS

1. Any written statements obtained by Plaintiff, his attorneys, representatives, investigators or others acting on his behalf from any party or witness.

See Police Report - Exhibit A

2. Any transcripts of any oral statements or recordings obtained from any party or witness.

See Deposition Transcripts which are available to Defendant's Attorney who attended the Depositions on August 11 and September 26, 2003.

3. Any videotapes, audiotapes, transcriptions or recordings of any kind or nature whatsoever, taken from any witness or party.

None

4. All reports, documents, memoranda or statements prepared by any investigator, representative, employee, servant or agent who has investigated any matters relating to Plaintiff's Complaint, excluding opinions respecting the value or merit of a claim or defense or respecting strategy or tactics, and further excluding any matters which are protected by the attorney-client privilege and/or work product doctrine.

Plaintiff believes the documents are beyond the scope of discovery allowable under P.R.C.P. 4003.4 and are protected by the attorney/client privilege and/or Work Product Doctrine.

5. All documents reviewed, consulted, referred to, and/or relied upon with respect to the preparation of the answers to Defendant's interrogatories.

See attached Exhibits A, B, C, D, E, F

6. Any photographs obtained by Plaintiff, his representatives, attorneys, investigators or others acting on Plaintiff's behalf that relate to the accident.

See Attached Exhibit B

7. Any diagrams or sketches of the scene of the accident or of any other matters or things involved in said accident.

See attached Police Report Exhibit A

8. Plaintiff's decedent's income tax returns for the five (5) years preceding the accident, and for every year subsequent to the accident in which Plaintiff has filed income tax returns.

I am in possession of only years 2000, 2001 and 2002. I do not know where he went to have them prepared prior to 2000. See attached Exhibit C.

9. Any reports prepared by any expert retained by Plaintiff relative to this action.

Plaintiff objects to this request as violative of Pa. R.C.P. 4003.5(a)(1).

10. Please produce any and all automobile policies applicable to any motor vehicles owned and/or operated by Decedent on the date of the accident.

To my knowledge, Decedent did not operate any vehicle on the date of the collision. To my knowledge, Decedent did not own any vehicles on the date of the collision.

11. All medical records, charts, office notes, and reports relating to the injuries allegedly sustained by Plaintiff's decedent as a result of the accident set forth in Plaintiff's Complaint.

See attached Exhibit D

12. The entire police investigative file, including but not limited to the complete police report and accident reconstruction report.

See attached Exhibit A

13. All toxicology and/or laboratory reports relating to the decedent.

See attached Autopsy Report Exhibit E

14. All autopsy and/or post-mortem reports relating to the decedent.

See attached Autopsy Report Exhibit E

15. All correspondence between Plaintiff's counsel and any and all medical care providers subsequent to the date of the accident.

None

16. Any medical fee statements, bills or correspondence which relate to the payment, acceptance of full payment or forgiveness of medical expenses which are being claimed as special damages.

See attached Exhibit F

Respectfully subm tted,

McIntyre, Dugas, Hartye & Schmitt

Attorneys for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE
PA I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
Ph: (814) 696-3581

VERIFICATION

I, **CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR**, do hereby verify that I have read the foregoing **Responses to Request for Production of Documents Directed to Plaintiff Dated May 23, 2003.** The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Admin

Candace A. Eazor, Administratrix of the
Estate of Richard A. Eazor

Date: OCTOBER 16, 2003

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000853-10

● New

Crash Number P0373577

AA 45 1 1

Case Closed ○ Yes ● No

Page: 1

○ Change/ Continuation

Police Agency Data

Incident Number: C01-072338

Police Agency: 68C01

Patrol Zone: 5

Agency Name: PA STATE POLICE

Precinct: PUNXSUTAWNEY 13/C

Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil): 0412

Arrival Time (mil): 0500

Investigator: TPR GUY A. BATTESTILLI

Badge Number: 5812

Reviewer: [signature]

Badge Number: 4892

Approval Date (MM-DD-YYYY): 10-09-2002

Crash Data

County: 33

County Name: JEFFERSON

Municipality: 207

Municipality Name: HEATH TWP

Day of Week: ● Sun ○ Thu ○ Mon ○ Fri ○ Tue ○ Sat ○ Wed ○ Unk

Crash Date (MM-DD-YYYY): 10-06-2002

Crash Time (Military): 0340

No of Units: 1

No of People: 2

No Injured: 1

No Killed: 1

(If > 00, Complete Form: AA 45 F 1)

Reportable Crash: ● Yes ○ No

Notify Highway Maintenance: ○ Yes ● No

School Bus Related: ○ Yes ● No

School Zone Related: ○ Yes ● No

PennDOT Property: ○ Yes ● No

Unit Information

Unit Number: 1

Delete? ○

Type Unit: ● Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1): SHARP

FI: L MI: A Telephone Number: (814)375-6393

Address: 416 MAPLE AVE

City: DUBOIS State: PA Zip: 15801

VIN: 1G1LT6418KY266566

Model Year: 1989 Vehicle Make*: 20

License Plate: ELA8515 Reg. State: PA Travel Speed: 60

*Refer to List on Back of Overlay

Commercial Vehicle: ○ Yes ● No

(If Yes, Complete Form: AA 45 C 1)

Insurance: ● Yes ○ No ○ Unknown

Insurance Company: PROGRESSIVE INS CO

Policy No: 553256061

Insurance Company Phone: 800 774-4499

Vehicle Towed: ● Yes ○ No

Towed To: DAVIS REPAIR

Towed By: DAVIS TOWING

Tow Agency Phone: (814)849-2197

Unit Information

Unit Number:

Delete? ○

Type Unit: ○ Motor Vehicle in Transport ○ Pedestrian ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI: MI: Telephone Number:

Address:

City: State: Zip:

VIN:

Model Year: Vehicle Make:

License Plate: Reg. State: Travel Speed:

*Refer to List on Back of Overlay

Commercial Vehicle: ○ Yes ○ No

(If Yes, Complete Form: AA 45 C 1)

Insurance: ○ Yes ○ No ○ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed: ○ Yes ○ No

Towed To:

Towed By:

Tow Agency Phone:

FATAL

FORM # AA 45 (01-01)

PENNDOT COPY

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number: P0373577

AA 45 2 1 000854 Page: 2 ☐ New ☐ Change/Continuation

Vehicle Information

Unit Number: 1

Trailing Unit(s) — Number of Trailing Units: 0

Type of Unit: 1=Towing Passenger Veh; 2=Towing Truck; 3=Towing Utility Trailer; 4=Mobile or Modular Home; 5=Camper; 6=Trailer; 7=Semi-Trailer; 8=Other; 9=Unknown

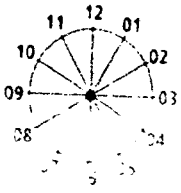
Tag No ☐ Tag Year ☐ Tag State ☐

Tag No ☐ Tag Year ☐ Tag State ☐

Vehicle Color: 03
01=Blue; 02=Red; 03=White; 04=Green; 05=Black; 06=Yellow; 07=Silver; 08=Gold; 09=Brown; 10=Orange; 11=Purple; 12=Other; 99=Unknown

Vehicle Type: 01
01=Automobile; 02=Motorcycle; 03=Bus; 04=Small Truck; 05=Large Truck; 10=Snowmobile; 11=Farm Equip; 12=Construction Equip; 18=Other Type Special Veh; 19=Unknown Type Special Veh; 20=Unicycle, Bicycle, Tricycle; 21=Other Pedalcycle; 22=Horse and Buggy; 23=Horse and Rider; 24=Train; 25=Trolley; 98=Other; 99=Unknown

Special Usage: 00
00=Not Applicable; 01=Fire Veh; 02=Ambulance; 03=Police; 08=Other Emergency Vehicle; 11=Pupil Transport; 12=Commercial Passenger Carrier; 13=Taxi; 21=Tractor Trailer; 22=Twin Trailer; 23=Triple Trailer; 31=Modified Veh; 99=Unknown

Initial Impact Point: 11

00=Non-Collision; 13=Top; 14=Undercarriage; 15=Towed Unit; 99=Unknown

Damage Indicator: 3
0=None; 1=Minor (Driveable); 2=Functional (Moderate Damage, May Not be Driveable); 3=Disabling (Severe - Not Driveable); 9=Unknown

Vehicle Role: 1
0=Non-Collision; 1=Striking; 2=Struck; 3=Both Striking and Struck

Vehicle Position: 01
00=Not Applicable; 01=Right Lane (Curb); 02=Right Turn Lane; 03=Left Lane; 04=Left Turn Lane; 05=2-Direction Center Turn Lane; 06=Other Forward Moving Lane; 07=Oncoming Traffic Lane; 08=Left of Trafficway; 09=Right of Trafficway; 10=HOV Lane; 11=Shoulder Right; 12=Shoulder Left; 13=One Lane Road; 98=Other; 99=Unknown

Direction of Travel: N
N=North; S=South; E=East; W=West; U=Unknown

Movement: 16
01=Going Straight; 02=Slowing/Stopping in Lane; 03=Stopped in Traffic Lane; 04=Passing/Overtaking Veh; 05=Leaving a Parked Position; 06=Parked; 07=Entering a Parked Position; 08=Trying to Avoid Animal, Ped, Object, Veh, etc; 09=Turning Right on Red; 10=Turning Right; 11=Turning Left on Red; 12=Turning Left; 13=Making a U-Turn; 14=Backing Up; 15=Changing Lanes or Merging; 16=Negotiating Curve - Right; 17=Negotiating Curve - Left; 98=Other; 99=Unknown

Gradient: 3
1=Level Roadway; 2=Uphill; 3=Downhill; 4=Sag/Bottom of Hill; 5=Crest/Top of Hill; 9=Unknown

Alignment: 2
1=Straight; 2=Curved; 9=Unknown

Vehicle Information

Unit Number ☐ Trailing Unit(s) — Number of Trailing Units ☐

Type of Unit: 1=Towing Passenger Veh; 2=Towing Truck; 3=Towing Utility Trailer; 4=Mobile or Modular Home; 5=Camper; 6=Trailer; 7=Semi-Trailer; 8=Other; 9=Unknown

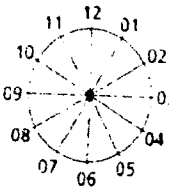
Tag No ☐ Tag Year ☐ Tag State ☐

Tag No ☐ Tag Year ☐ Tag State ☐

Vehicle Color ☐
01=Blue; 02=Red; 03=White; 04=Green; 05=Black; 06=Yellow; 07=Silver; 08=Gold; 09=Brown; 10=Orange; 11=Purple; 12=Other; 99=Unknown

Vehicle Type ☐☐
01=Automobile; 02=Motorcycle; 03=Bus; 04=Small Truck; 05=Large Truck; 10=Snowmobile; 11=Farm Equip; 12=Construction Equip; 18=Other Type Special Veh; 19=Unknown Type Special Veh; 20=Unicycle, Bicycle, Tricycle; 21=Other Pedalcycle; 22=Horse and Buggy; 23=Horse and Rider; 24=Train; 25=Trolley; 98=Other; 99=Unknown

Special Usage ☐☐
00=Not Applicable; 01=Fire Veh; 02=Ambulance; 03=Police; 08=Other Emergency Vehicle; 11=Pupil Transport; 12=Commercial Passenger Carrier; 13=Taxi; 21=Tractor Trailer; 22=Twin Trailer; 23=Triple Trailer; 31=Modified Veh; 99=Unknown

Initial Impact Point ☐

00=Non-Collision; 13=Top; 14=Undercarriage; 15=Towed Unit; 99=Unknown

Damage Indicator ☐
0=None; 1=Minor (Driveable); 2=Functional (Moderate Damage, May Not be Driveable); 3=Disabling (Severe - Not Driveable); 9=Unknown

Vehicle Role ☐
0=Non-Collision; 1=Striking; 2=Struck; 3=Both Striking and Struck

Vehicle Position ☐☐
00=Not Applicable; 01=Right Lane (Curb); 02=Right Turn Lane; 03=Left Lane; 04=Left Turn Lane; 05=2-Direction Center Turn Lane; 06=Other Forward Moving Lane; 07=Oncoming Traffic Lane; 08=Left of Trafficway; 09=Right of Trafficway; 10=HOV Lane; 11=Shoulder Right; 12=Shoulder Left; 13=One Lane Road; 98=Other; 99=Unknown

Direction of Travel ☐
N=North; S=South; E=East; W=West; U=Unknown

Movement ☐☐
01=Going Straight; 02=Slowing/Stopping in Lane; 03=Stopped in Traffic Lane; 04=Passing/Overtaking Veh; 05=Leaving a Parked Position; 06=Parked; 07=Entering a Parked Position; 08=Trying to Avoid Animal, Ped, Object, Veh, etc; 09=Turning Right on Red; 10=Turning Right; 11=Turning Left on Red; 12=Turning Left; 13=Making a U-Turn; 14=Backing Up; 15=Changing Lanes or Merging; 16=Negotiating Curve - Right; 17=Negotiating Curve - Left; 98=Other; 99=Unknown

Gradient ☐
1=Level Roadway; 2=Uphill; 3=Downhill; 4=Sag/Bottom of Hill; 5=Crest/Top of Hill; 9=Unknown

Alignment ☐
1=Straight; 2=Curved; 9=Unknown

COMMONWEALTH OF PENNSYLVANIA
FAT POLICE CRASH REPORTING FORM

AA 45 3 1

000855

Page: 3

New ○ Crash Number P0373577

○ Change/ Continuation

Vehicle Driver/Pedestrian Information

Unit Number: 1 | Last Name: EAZOR | FI: R | MI: A | Telephone Number: (814) 328-2730

Address: 200 MAIN ST. | City: BROCKWAY | State: PA | Zip: 15824

License Number: 18578776 | State: PA | If License Number is unknown or driver is not licensed, see manual

Alcohol/Drugs Suspected
● No ○ Illegal Drugs ○ Medication
○ Alcohol ○ Alcohol and Drugs ○ Unknown

Alcohol Test Type
○ Test Not Given ○ Breath ○ Other
● Blood ○ Urine ○ Unknown If Test Given

Alcohol Test Results
0. | ○ Test Refused ● Unknown Results
○ Test Given, Contaminated Results

Driver or Pedestrian Physical Condition
○ Apparently Normal ○ Illegal Drug Use ○ Fatigue ○ Medication
● Had Been Drinking ○ Sick ○ Asleep ○ Unknown

Vehicle Code List any Vehicle Code Section this driver has violated and mark if they were charged. | Charged with Violation?
3361 ○ Yes ● No
1543B 3731 ○ Yes ● No

Owner/Driver Code: 02
00=Not Applicable; 01=Private Vehicle Owned/ Leased by Driver; 02=Private Vehicle Not Owned/Leased by Driver; 03=Rented Vehicle; 04=State Police Vehicle; 05=PennDOT Vehicle; 06=Other State Gov Vehicle; 07=Municipal Police Vehicle; 08=Other Municipal Government Vehicle; 09=Federal Gov Vehicle; 98=Other; 99=Unknown

Driver Presence: 1
1=Driver Operated Vehicle; 2=No Driver; 3=Driver Fled Scene; 4=Hit and Run; 9=Unknown

Pedestrian Only Information

Pedestrian Signal at Scene of Crash
○ No Pedestrian Signal ○ Pedestrian Signal ○ Not at Intersection

Pedestrian Location
○ Marked Crosswalks at Intersection ○ In Roadway ○ < 10 Feet Off Road
○ Not In Roadway ○ > 10 Feet Off Road
○ At Intersection - No Crosswalks ○ Median ○ Outside Trafficway
○ Non-Intersection Crosswalks ○ Island ○ Shared Paths/ Trails
○ Driveway Access ○ Shoulder ○ Unknown
○ Sidewalk

Unit Number | Last Name | FI | MI | Telephone Number

Address | City | State | Zip

License Number | State | If License Number is unknown or driver is not licensed, see manual

Alcohol/Drugs Suspected
○ No ○ Illegal Drugs ○ Medication
○ Alcohol ○ Alcohol and Drugs ○ Unknown

Alcohol Test Type
○ Test Not Given ○ Breath ○ Other
○ Blood ○ Urine ○ Unknown if Test Given

Alcohol Test Results
0. | ○ Test Refused ○ Unknown Results
○ Test Given, Contaminated Results

Driver or Pedestrian Physical Condition
○ Apparently Normal ○ Illegal Drug Use ○ Fatigue ○ Medication
○ Had Been Drinking ○ Sick ○ Asleep ○ Unknown

Vehicle Code List any Vehicle Code Section this driver has violated and mark if they were charged. | Charged with Violation?
○ Yes ○ No
○ Yes ○ No

Owner/Driver Code:
00=Not Applicable; 01=Private Vehicle Owned/ Leased by Driver; 02=Private Vehicle Not Owned/Leased by Driver; 03=Rented Vehicle; 04=State Police Vehicle; 05=PennDOT Vehicle; 06=Other State Gov Vehicle; 07=Municipal Police Vehicle; 08=Other Municipal Government Vehicle; 09=Federal Gov Vehicle; 98=Other; 99=Unknown

Driver Presence:
1=Driver Operated Vehicle; 2=No Driver; 3=Driver Fled Scene; 4=Hit and Run; 9=Unknown

Pedestrian Only Information

Pedestrian Signal at Scene of Crash
○ No Pedestrian Signal ○ Pedestrian Signal ○ Not at Intersection

Pedestrian Location
○ Marked Crosswalks at Intersection ○ In Roadway ○ < 10 Feet Off Road
○ Not In Roadway ○ > 10 Feet Off Road
○ At Intersection - No Crosswalks ○ Median ○ Outside Trafficway
○ Non-Intersection Crosswalks ○ Island ○ Shared Paths/ Trails
○ Driveway Access ○ Shoulder ○ Unknown
○ Sidewalk

FORM # AA-45 (01-11)

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

SAT

AA 45 4 1

000956

Page: 4

New

Change/ Continuation

Crash Number P0373577

People Information

A Person Type: 1=Driver, 2=Passenger, 7=Pedestrian, 8=Other, 9=Unknown

B Sex: F=Female, M=Male, U=Unknown

C Injury Severity: 0=Not Injured, 1=Killed, 2=Major Injury, 3=Moderate Injury, 4=Minor Injury, 9=Unknown

D Seat Position: 00=Not A Passenger/Occupant, 01=Driver - All Vehicles, 02=Front Seat Middle Position, 03=Front Seat Right Side, 04=Second Row - Left Side Or Motorcycle Passenger, 05=Second Row - Middle Position, 06=Second Row - Right Side, 07=Third Row Or Greater - Left Side, 08=Third Row Or Greater - Middle Position, 09=Third Row Or Greater - Right Side, 10=Sleeper Section Of Truckcab, 11=In Other Enclosed Passenger Or Cargo Area, 12=In Open Area (Back Of Pickup, Etc.), 13=Trailing Unit, 14=Riding On Vehicle Exterior, 15=Bus Passenger, 98=Other, 99=Unknown

E Safety Equipment One: 00=None Used / Not Applicable, 01=Shoulder Belt Used, 02=Lap Belt Used, 03=Lap And Shoulder Belt Used, 04=Child Safety Seat Used, 05=Motorcycle Helmet Used, 06=Bicycle Helmet Used, 10=Safety Belt Used Improperly, 11=Child Safety Seat Used Improperly, 12=Helmet Used Improperly, 90=Restraint Used, Type Unknown, 99=Unknown

F Safety Equipment Two: 00=None Used / Not Applicable, 01=Front Air Bag Deployed (For This Seat), 02=Side Air Bag Deployed (For This Seat), 03=Other Type Air Bag Deployed, 04=Multiple Air Bags Deployed, 05=Motorcycle Eye Protection, 06=Bicyclist Wearing Elbow/Knee/Other Pads, 10=Air Bag Not Deployed, Switch On, 11=Air Bag Not Deployed, Switch Off, 12=Air Bag Not Deployed, Unk Switch Setting, 13=Air Bag Removed (Prior To Crash), 19=Unknown If Air Bag Deployed, 99=Unknown

G Ejection: 0=Not Applicable, 1=Not Ejected, 2=Totally Ejected, 3=Partially Ejected, 9=Unknown

H Ejection Path: 0=Not Ejected / Not Applicable, 1=Through Side Door Opening, 2=Through Side Window, 3=Through Windshield, 4=Through Back Door, 5=Through Back Door Tailgate Opening, 6=Through Roof Opening (Sunroof/ Convertible Top Down), 7=Through Roof Opening (Convertible Top Up), 9=Unknown

I Extrication: 0=Not Applicable, 1=Not Extricated, 2=Extricated By Mechanical Means, 3=Freed By Non - Mechanical Means, 8=Other, 9=Unknown

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
1	1	☐	06-29-1959	1	M	1	0	1	0	0	3	3	0

Name / Address / Phone: RICHARD A EAZOR SAME AS DRIVER

EMS Transport: ● Yes ○ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
1	2	☐	05-09-1972	2	F	2	0	3	0	0	0	0	0

Name / Address / Phone: LYNN ANN SHARP 416 MAPLE AVE DUBOIS, PA 15801 (814) 375-6893

EMS Transport: ● Yes ○ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		☐	- -									

Name / Address / Phone

EMS Transport: ○ Yes ○ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		☐	- -									

Name / Address / Phone

EMS Transport: ○ Yes ○ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		☐	- -									

Name / Address / Phone

EMS Transport: ○ Yes ○ No

Unit No	Person No	Delete?	Date of Birth (MM-DD-YYYY)	A	B	C	D	E	F	G	H	I
		☐	- -									

Name / Address / Phone

EMS Transport: ○ Yes ○ No

FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number: P0373577 (New)

AA 45 5 1 000857 Page: 5 ☐ ☐ ☐ Change

Type Location

Intersection Type
- ● Midblock
- ○ 4 Way Intersection
- ○ "T" Intersection
- ○ "Y" Intersection
- ○ Traffic Circle/ Round About
- ○ Multi-Leg Intersection
- ○ On Ramp
- ○ Off Ramp
- ○ Crossover
- ○ Railroad Crossing
- ○ Other

Special Location
- ● Not Applicable
- ○ Underpass
- ○ Ramp
- ○ Bridge
- ○ Tunnel
- ○ Toll Booth
- ○ Cross Over Related
- ○ Driveway/Parking Lot
- ○ Ramp & Bridge
- ○ Unknown

(If "Ramp" is indicated, please see manual)

Principal Road

Complete the **Principal Road** Section for all type of crashes. For crashes at intersections, enter information in the Intersecting Road Section or the GPS Section. If you have a midblock crash, you should enter information in the "Distance from Landmark" Section, the GPS Section, or the House Number Section in the Principal Road area.

County: 33 | Route Number: 949 | Segment (Optional): | Travel Lanes: 2 | Speed Limit: 55

Orientation: ● North ○ South ○ East ○ West ○ Unknown

House Number (If applicable):

Street Name: | Street Ending:

Route Signing: ○ Interstate (Not Turnpike) ○ Turnpike (East/West) ○ Turnpike Spur ● State Highway ○ County Road ○ Local Road or Street ○ Private Road ○ Other/ Unknown

Intersecting Road

Use For Intersection Crashes

County | Route Number | Segment (Optional) | Travel Lanes | Speed Limit

Street Name: | Street Ending:

Orientation: ○ North ○ South ○ East ○ West ○ Unknown

Route Signing: ○ Interstate (Not Turnpike) ○ Turnpike (East/West) ○ Turnpike Spur ○ State Highway ○ County Road ○ Local Road or Street ○ Private Road ○ Other/ Unknown

Distance From Landmark

Use For Mid-Block Crashes

Please Enter Information for BOTH Landmarks if Using This Option

Landmark 1

Intersecting Rt Num | Or Mile Post | Or Segment Marker

Or Intersecting Street Name: SPRING CREEK St Ending: RD

Ramp Use Only: ○ North ○ South ○ East ○ West

Feet: | Or Miles: 0.1

Landmark 2

Intersecting Rt Num | Or Mile Post | Or Segment Marker

Or Intersecting Street Name: HIDINGER St Ending: RD

Ramp Use Only: ○ North ○ South ○ East ○ West

Distance From Crash Scene to Landmark 1 (For Crash between Landmark 1 and Landmark 2)

GPS

Latitude: Degrees | Minutes | Seconds

Longitude: Degrees | Minutes | Seconds

Traffic Control Device
- ● Not Applicable
- ○ Flashing Traffic Signal
- ○ Traffic Signal
- ○ Stop Sign
- ○ Yield Sign
- ○ Active RR Crossing Controls
- ○ Passive RR Crossing Controls
- ○ Police Officer or Flagman
- ○ Other Type TCD
- ○ Unknown

TCD Functioning
- ● No Controls
- ○ Device Not Functioning
- ○ Device Functioning Improperly
- ○ Device Functioning Properly
- ○ Emergency Preemptive Signal
- ○ Unknown

Type of Work Zone (If "Not a Work Zone", skip rest of Work Zone section)
- ● Not a Work Zone
- ○ Construction
- ○ Maintenance
- ○ Utility Company
- ○ Other

Work Zone Location
- ○ Before 1st Work Zone Warning Sign
- ○ Advance Warning Area
- ○ Transition Area
- ○ Activity Area
- ○ Termination Area
- ○ Other

Work Zone (Mark all that apply)
- ☐ Lane Closure
- ☐ Road Closed with Detour
- ☐ Work on Shoulder or Median
- ☐ Intermittent or Moving Work
- ☐ Flagger Control
- ☐ Other

Work Zone Speed Limit | **Workers Present** ○ Yes ○ No ○ Unknown

Lane Closed (If "Not Applicable", skip rest of the Lane Closure section)
- ● Not Applicable
- ○ Partially
- ○ Fully
- ○ Unknown

Lane Closure Direction
- ○ North
- ○ South
- ○ East
- ○ West
- ○ North and South
- ○ East and West

Traffic Detoured ○ Yes ○ No

Estimated Time Closed
- ○ < 30 Minutes
- ○ 30-60 Minutes
- ○ 1-3 hours
- ○ 3-6 hours
- ○ 6-9 hours
- ○ 9-12 hours
- ○ > 12 hours
- ○ Unknown

Because of Crash

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

FAT

Crash Number: P0373577

● New ○ Change/Continuation

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General Crash Information (If more than 2 Units only complete once)

Crash Description [7]
0=Non-Collision; 1=Rear End; 2=Head On; 3=Rear to Rear (Backing); 4=Angle; 5=Sideswipe (Same Direction); 6=Sideswipe (Opposite Direction); 7=Hit Fixed Object; 8=Hit Pedestrian; 9=Other/Unknown

Relation to Roadway [2]
1=On Travel Lanes; 2=Shoulder; 3=Median; 4=Roadside; 5=Outside Trafficway; 6=In Parking Lane; 7=Gore (Ramp Intersection); 9=Unknown

Illumination [2]
1=Daylight; 2=Dark - No Street Lights; 3=Dark - Street Lights; 4=Dusk; 5=Dawn; 6=Dark - Unknown Roadway Lighting; 8=Other

Weather Conditions [1]
1=No Adverse Conditions; 2=Rain; 3=Sleet (Hail); 4=Snow; 5=Fog; 6=Rain & Fog; 7=Sleet & Fog; 8=Other; 9=Unknown

Road Surface Conditions [0]
0=Dry; 1=Wet; 2=Sand, Mud, Dirt, Oil; 3=Snow Covered; 4=Slush; 5=Ice; 6=Ice Patches; 7=Water - Standing or Moving; 8=Other

Unit(s) Event Information

Unit No		Harm Event	L/R	Most?	Utility Pole Number
1	1	21	L	●	
	2			○	
Please Put Events in Sequential Order	3				
	4				

Unit No		Harm Event	L/R	Most?	Utility Pole Number
	1			○	
	2			○	
Please Put Events in Sequential Order	3			○	
	4				

Harmful Events (Harm Event)
01=Hit Unit 1; 02=Hit Unit 2; 03=Hit Unit 3; 04=Hit Unit 4; 05=Hit Unit 5; 06=Hit Other Traffic Unit; 07=Hit Deer; 08=Hit Other Animal; 09=Collision With Other Non Fixed Object; 11=Struck By Unit 1; 12=Struck By Unit 2; 13=Struck By Unit 3; 14=Struck By Unit 4; 15=Struck By Unit 5; 16=Struck By Other Traffic Unit; 21=Hit Tree Or Shrubbery; 22=Hit Embankment; 23=Hit Utility Pole; 24=Hit Traffic Sign; 25=Hit Guard Rail; 26=Hit Guard Rail End; 27=Hit Curb; 28=Hit Concrete Or Longitudinal Barrier; 29=Hit Ditch; 30=Hit Fence Or Wall; 31=Hit Building; 32=Hit Culvert; 33=Hit Bridge Pier Or Abutment; 34=Hit Parapet End; 35=Hit Bridge Rail; 36=Hit Boulder Or Obstacle On Roadway; 37=Hit Impact Attenuator; 38=Hit Fire Hydrant; 39=Hit Roadway Equipment; 40=Hit Mail Box; 41=Hit Traffic Island; 42=Hit Snow Bank; 43=Hit Temporary Construction Barrier; 48=Hit Other Fixed Object; 49=Hit Unknown Fixed Object; 50=Overturn/Roll Over; 51=Struck By Thrown Or Falling Object; 52=Pot Holes Or Other Pavement Irregularities; 53=Jacknife; 54=Fire In Vehicle; 58=Other Non-Collision; 99=Unknown Harmful Event

	Unit No	Harm Event
First Harmful Event in the Crash	1	21
Most Harmful Event in the Crash	1	21

Do not repeat this information on multiple pages

Left/Right (L/R) L=Left R=Right O=Other U=Unknown

Environmental / Roadway Potential Factors (E/R)
1: 00 2: 3:
00=None; 01=Windy Conditions; 02=Sudden Weather Conditions; 03=Other Weather Conditions; 04=Deer in Roadway; 05=Obstacle On Roadway; 06=Other Animal In Roadway; 07=Glare; 08=Work Zone Related; 11=Slippery Road Conditions (Ice/Snow); 12=Substance On Roadway; 13=Potholes; 14=Broken Or Cracked Pavement; 15=TCD Obstructed; 16=Soft Shoulder Or Shoulder Drop Off; 28=Other Roadway Factor; 99=Unknown

Driver Action (D)
00=No Contributing Action; 01=Driver Was Distracted; 02=Driving Using Hand Held Phone; 03=Driving Using Hands Free Phone; 04=Making Illegal U-Turn; 05=Improper/Careless Turning; 06=Turning From Wrong Lane; 07=Proceeding W/O Clearance After Stop; 08=Running Stop Sign; 09=Running Red Light; 10=Failure To Respond To Other Traffic Control Device; 11=Tailgating; 12=Sudden Slowing/Stopping; 13=Illegally Stopped On Road; 14=Careless Passing Or Lane Change; 15=Passing In No Passing Zone; 16=Driving The Wrong Way On 1-Way Street; 17=Careless Or Illegal Backing On Roadway; 18=Driving On The Wrong Side of Road; 19=Making Improper Entrance to Highway; 20=Making Improper Exit From Highway; 21=Careless Parking/Unparking; 22=Over/Under Compensation At Curve; 23=Speeding; 24=Driving Too Fast For Conditions; 25=Failure To Maintain Proper Speed; 26=Driver Fleeing Police (Police Chase); 27=Driver Inexperienced; 28=Failure To Use Specialized Equip; 98=Other Improper Driving Actions

Unit No								
1	1	24	2		3		4	
			2		3		4	

Possible Vehicle Failures (V)
00=None; 01=Tires; 02=Brake System; 03=Steering System; 04=Suspension; 05=Power Train; 06=Exhaust; 07=Headlights; 08=Signal Lights; 09=Other Lights; 10=Horn; 11=Mirrors; 12=Wipers; 13=Driver Seating/Control; 14=Body, Doors, Hood, Etc; 15=Trailer Hitch; 16=Wheels; 17=Airbags; 18=Trailer Overloaded; 19=Unsecured/Shifted Trailer Load; 20=Improper Towing; 21=Obstructed Windshield; 99=Unknown

Unit No				
1	1	00	2	
			2	

Pedestrian Action (P)
00=None; 01=Entering Or Crossing At Specified Location; 02=Walking, Running, Jogging, Playing, Or Cycling; 03=Working; 04=Pushing Vehicle; 05=Approaching Or Leaving Vehicle; 06=Playing Or Working On Vehicle; 07=Standing; 98=Other

Unit No 1 00 Unit No

Indicated Prime Factor
Do not repeat this information on multiple pages

E/R	V	D	P
		●	

Unit No 1 Factor Code 24

If E/R is the Prime Factor Type, leave Unit No blank

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

FAT

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000859

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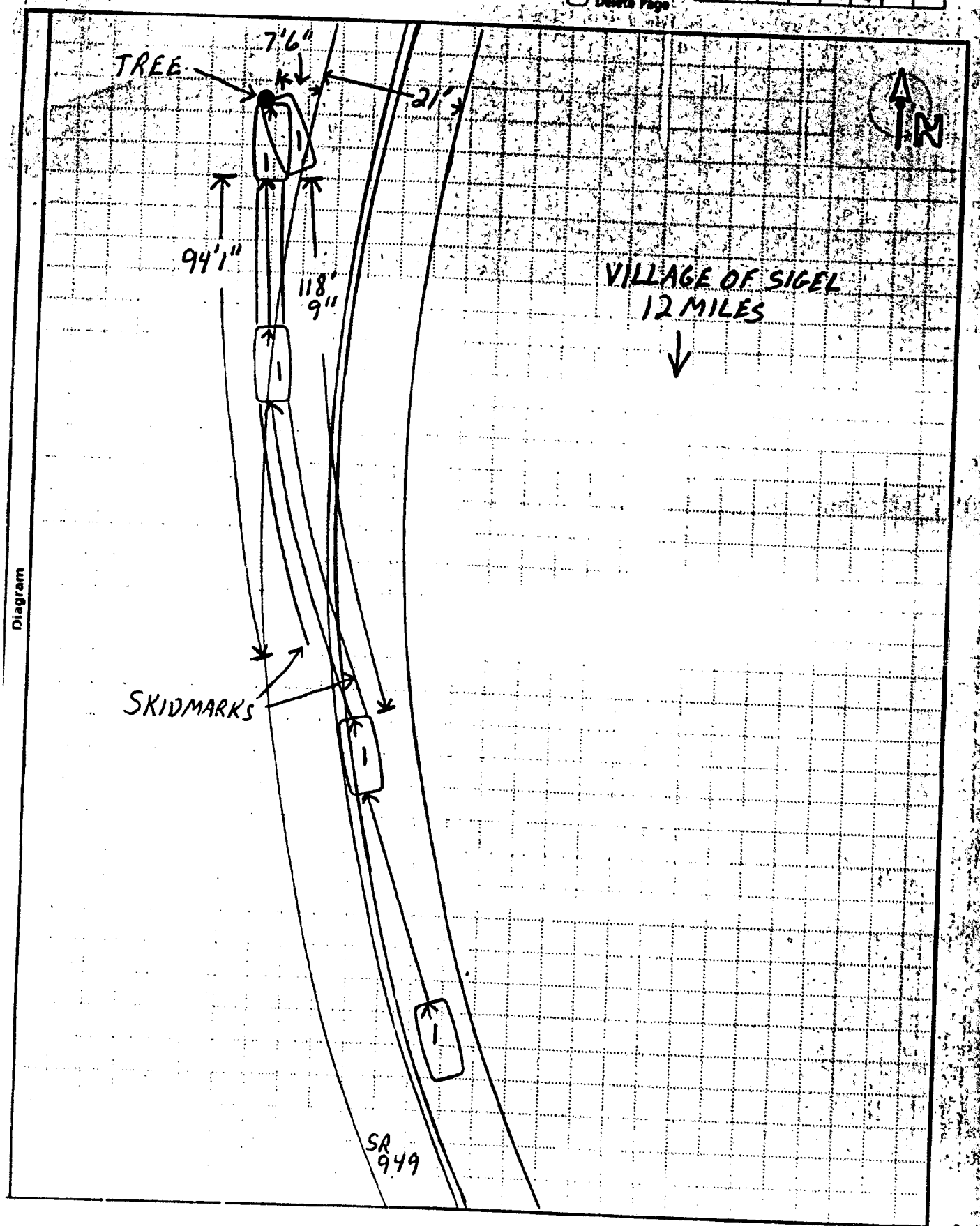
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Change/ Continuation

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Crash Number P0373577

Diagram



FORM # AA-45 (01-0)

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

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000860

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New
Charge/ Continuation
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Crash Number P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: JEFFERSON EMS Medical Facility: DUBOIS HOSPITAL

Witness 1: WILLIAM COX Address: 1000 W POINT DR PITTSBURGH, PA 15205 Phone: (412) 498-9212

Witness 2: REBECCA BARRACLOUGH Address: 1000 W. POINT DR APT 33 PITTSBURGH, PA 15205 Phone: (412) 498-9212

Narrative: UNIT #1 NO CELL PHONE PRESENT

UNIT #1 WAS TRAVELING NORTH ON SR 949 AND CAME TO A RIGHT HAND CURVE. UNIT #1 WAS TRAVELING TOO FAST TO NEGIOATE THE CURVE. OPER #1 APPLIED HIS BRAKES CAUSING UNIT #1 TO SKID. UNIT #1 SKIDDED ACROSS THE SOUTHBOUND LANE AND TRAVELED ONTO THE WEST BERM. UNIT #1 THEN STRUCK A TREE LOCATED 7'6" WEST OF THE ROADWAY. UNIT #1 PIVOTED APROX 30° COUNTERCLOCKWISE AFTER IMPACT. UNIT #1 CAME TO REST AGAINST THE TREE FACING NORTHWEST.

BOTH OCCUPANTS WERE TRANSPORTED BY THE WITNESSES TO THE HOME OF BARRACLOUGH'S PARENTS.

COX AND BARRACLOUGH WERE INTERVIEWED AT THE SCENE AT 0530 HRS ON 10/06/02 AND STATED "WE WERE OUT DRIVING AND WE CAME UP TO THIS CAR. THE MAN WAS OUT WALKING AROUND. HE SAID THAT THE GIRL WAS DRIVING AND THAT SHE HAD SWERVED TO MISS A DEER. THE GIRL WAS SITTING IN THE PASSENGER SEAT WITH HER FEET OUTSIDE THE DOOR. SHE WAS MOANING AND SHE SAID HER NAME WAS LYNN. HE SAID HE HAD BEEN DRINKING EARLIER. HE SAID THAT THE GIRL HAD BEEN UP WALKING AROUND AND SHE SAT DOWN THERE. WE GOT TO OUR HOUSE AND HE DIDNT HAVE A PULSE."

BOTH WITNESSES PROVIDED WRITTEN STATEMENTS WHICH WILL BE PLACED IN THE ATTACHMENT FILE.

TPRS BALL AND SCHREKENGOST OF PSP DUBOIS WENT TO THE BARRACLOUGH RESIDENCE AND DUBOIS HOSPITAL AND WILL PROVIDE A SUPPLEMENTAL REPORT.

MORE

CRM / AA 45 1 / 1

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

FAT

AA 45 8 1

000861

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Crash Number

New
Change/ Continuation
Delete Page

P 0 3 7 3 5 7 7

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency:

Medical Facility:

Witness 1:

Address:

Phone:

Witness 2:

Address:

Phone:

Narrative:

PHYSICAL EVIDENCE CONSISTED OF THE FOLLOWING.
1. SKID MARK FROM RIGHT SIDE TIRES 118'9" LONG AND STARTS IN THE NORTHBOUND LANE 6'9" FROM THE EAST BERM.
2. SKID MARK FROM LEFT SIDE TIRES 94'1" LONG AND STARTS IN THE SOUTHBOUND LANE 6'2" FROM THE WEST BERM.
3. HOLE IN WINDSHIELD DIRECTLY IN FRONT OF STEERING WHEEL. APPROX 10" IN DIAMETER.
4. SEVERAL SHORT BROWN HAIRS WERE OBSERVED STUCK IN THE WINDSHIELD GLASS AROUND HOLE.

CLEARFIELD CO DEPUTY CORONER KIM SHAFFER STATED THAT EAZOR WAS PRONOUNCED DEAD AT DUBOIS HOSPITAL AT 0506 HRS 10/06/02 BY DR PALMER. SHE ALSO ADVISED THAT AN AUTOPSY WOULD BE CONDUCTED BY DR COTTLE IN ALTOONA.

A FATALITY MESSAGE WAS SENT TO DIRECTOR BUREAU OF PATROL.

ACCD BY TPR LORELLI.

FORM SP7-0015 WAS MAILED TO OWNER OF UNIT #1

FORM # AA-45N (03/01)

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 F 1

000862

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Crash Number: P03735777

(●) New ( ) Change/Continuation

Road Surface Type
( ) Concrete (●) Blacktop ( ) Brick or Block ( ) Slag, Gravel or Stone ( ) Dirt ( ) Other ( ) Unknown

Special Jurisdiction
(●) No Special Jurisdiction ( ) National Park ( ) Military ( ) Indian Reservation ( ) College/University Campus ( ) Other Federal Sites ( ) Other ( ) Unknown

Please complete Unit information for *each* unit involved in a *fatal* crash. Do not repeat the information in the fields above on multiple pages.

Unit Information

Unit Number 1

Driver Restrictions Compliance
(●) No Restrictions/Not Applicable ( ) Restrictions Complied With ( ) Restrictions Not Complied With ( ) Compliance Unknown ( ) Not a Pennsylvania Driver ( ) Unknown Compliance

Driver Endorsement Compliance
(●) None Required ( ) Required - Complied With ( ) Required - Non Compliance ( ) Required - Compliance Unknown ( ) Not a Pennsylvania Driver ( ) Unknown Compliance

Driver License Compliance
(●) Not Licensed ( ) Not Required for Vehicle Class ( ) No Valid License for Class ( ) Valid License for Class ( ) Unk if CDL or CDL Required ( ) Not a Pennsylvania Driver ( ) Unknown

Drug Test Type
( ) None (●) Blood ( ) Urine ( ) Other ( ) Unknown if Test Given

Drug Test Results - (Up to Four Results)
0 = No Test Given; 1 = No Drug Reported; 2 = Marijuana; 3 = Cocaine; 4 = Opiates; 5 = Amphetamines; 6 = PCP; 8 = Other; 9 = Unknown Test Results
9

Principle Impact Point
( ) Non-Collision (●) 12 ( ) Top ( ) Undercarriage ( ) Towed Unit ( ) Unknown
( ) 11 ( ) 01 ( ) 10 ( ) 02 ( ) 09 ( ) 03 ( ) 08 ( ) 04 ( ) 07 ( ) 06 ( ) 05

Avoidance Maneuver
( ) No Avoidance Maneuver (●) Braking - Skid Marks Evident ( ) Braking - No Skid Marks, Driver Stated ( ) Braking - Other Evidence ( ) Steering - Evidence or Driver Stated ( ) Steering and Braking Evidence or Stated ( ) Other Avoidance Maneuver ( ) Inconclusive ( ) Unknown

Under Ride Indicator
(●) No Underride or Override ( ) Underride, Compartment Intrusion ( ) Underride, No Compartment Intrusion ( ) Underride, Compartment Intrusion Unknown ( ) Override, Other Vehicle ( ) Unknown if Underride or Override

Emergency Use
(●) Not in Emergency Use ( ) Lights Flashing ( ) Siren Sounding ( ) Both Lights and Siren ( ) Unknown

---

Unit Number

Driver Restrictions Compliance
( ) No Restrictions/Not Applicable ( ) Restrictions Complied With ( ) Restrictions Not Complied With ( ) Compliance Unknown ( ) Not a Pennsylvania Driver ( ) Unknown Compliance

Driver Endorsement Compliance
( ) None Required ( ) Required - Complied With ( ) Required - Non Compliance ( ) Required - Compliance Unknown ( ) Not a Pennsylvania Driver ( ) Unknown Compliance

Driver License Compliance
( ) Not Licensed ( ) Not Required for Vehicle Class ( ) No Valid License for Class ( ) Valid License for Class ( ) Unk if CDL or CDL Required ( ) Not a Pennsylvania Driver ( ) Unknown

Drug Test Type
( ) None ( ) Blood ( ) Urine ( ) Other ( ) Unknown if Test Given

Drug Test Results - (Up to Four Results)
0 = No Test Given; 1 = No Drug Reported; 2 = Marijuana; 3 = Cocaine; 4 = Opiates; 5 = Amphetamines; 6 = PCP; 8 = Other; 9 = Unknown Test Results

Principle Impact Point
( ) Non-Collision ( ) 12 ( ) Top ( ) Undercarriage ( ) Towed Unit ( ) Unknown
( ) 11 ( ) 01 ( ) 10 ( ) 02 ( ) 09 ( ) 03 ( ) 08 ( ) 04 ( ) 07 ( ) 06 ( ) 05

Avoidance Maneuver
( ) No Avoidance Maneuver ( ) Braking - Skid Marks Evident ( ) Braking - No Skid Marks, Driver Stated ( ) Braking - Other Evidence ( ) Steering - Evidence or Driver Stated ( ) Steering and Braking Evidence or Stated ( ) Other Avoidance Maneuver ( ) Inconclusive ( ) Unknown

Under Ride Indicator
( ) No Underride or Override ( ) Underride, Compartment Intrusion ( ) Underride, No Compartment Intrusion ( ) Underride, Compartment Intrusion Unknown ( ) Override, Other Vehicle ( ) Unknown if Underride or Override

Emergency Use
( ) Not in Emergency Use ( ) Lights Flashing ( ) Siren Sounding ( ) Both Lights and Siren ( ) Unknown

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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001647-02

Crash Number P0365328

RSN 10285

AA 45 1 1

Case Closed ○ Yes ● No

● New ○ Change/Continuation

Page: 1 1

P0373577

Police Agency Data

Incident Number: C01-0722338

Police Agency: 68C04

Patrol Zone:

Agency Name: PA STATE POLICE

Precinct: DUBOIS/1340

Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil):

Arrival Time (mil):

Investigator: TPR. MARK A. SCHREECENGOST/E714

Badge Number:

Reviewer: Cpl Robert Lee Parr

Badge Number: 4392

Approval Date (MM-DD-YYYY): 10-21-2002

Crash Data

County:

County Name:

Municipality:

Municipality Name:

Day of Week: ○ Sun ○ Thu ○ Mon ○ Fri ○ Tue ○ Sat ○ Wed ○ Unk

Crash Date (MM-DD-YYYY):

Crash Time (Military):

No of Units:

No of People:

No Injured:

No Killed: (If > 00, Complete Form: AA 45 F 1)

Reportable Crash: ○ Yes ○ No

Notify Highway Maintenance: ○ Yes ○ No

School Bus Related: ○ Yes ○ No

School Zone Related: ○ Yes ○ No

PennDOT Property: ○ Yes ○ No

Unit Information

Unit Number:

Delete? ○

Type Unit ▶ ○ Motor Vehicle in Transport ○ Pedestrian

○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized

○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI: MI: Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ○ Yes ○ No

Towed To:

Towed By:

Tow Agency Phone:

Unit Information

Unit Number:

Delete? ○

Type Unit ▶ ○ Motor Vehicle in Transport ○ Pedestrian

○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized

○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1):

FI: MI: Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ○ Yes ○ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ○ Yes ○ No

Towed To:

Towed By:

Tow Agency Phone:

FAA

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FAT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

AA 45 8 1 C01648 Page: 12

☐ New
● Change/Continuation
☐ Delete Page

Crash Number
P0365328
P037357

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: | Medical Facility:

Witness 1: | Address: | Phone:

Witness 2: | Address: | Phone:

Witness Information and Narrative

Narrative:

ON 10/02/02 AT 0418 HOURS, TPR. R.J. BALL, PSP DUBOIS, AND I WERE DISPATCHED TO A RESIDENCE ALONG LONGWELL ROAD APPROX. 1/10 MILE SOUTH OF CALUSHIA ROAD TO INTERVIEW THE OPERATOR AND PASSENGER OF A MOTOR VEHICLE CRASH ON BEHALF OF PSP PUNXSUTAWNEY.

UPON OUR ARRIVAL TO THIS LOCATION AT 0433 HOURS, BOTH SUBJECTS WERE RECEIVING EMERGENCY MEDICAL ATTENTION DUE TO THE SERIOUS INJURIES THEY SUSTAINED IN THE CRASH. BOTH SUBJECTS WERE IMMEDIATELY TRANSPORTED BY AMBULANCE TO DRMC-WEST.

UPON OUR ARRIVAL @TO DRMC-WEST AT 0510 HOURS, RICHARD EAZOR, OPERATOR #1, WAS ALREADY DECEASED. DR. GEORGE PALMER, JR. PRONOUNCED EAZOR DEAD AT 0506 HOURS ON 10/06/02 AT DRMC-WEST. PASSENGER LYNN A. SHARP WAS UNAVAILABLE FOR AN INTERVIEW DUE TO THE SERIOUSNESS OF THE INJURIES SHE SUSTAINED FROM THE CRASH THAT REQUIRED IMMEDIATE MEDICAL ATTENTION.

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001836-02

Crash Number P0373589

FAT KSM 10/3/02

AA 45 1 1

Case Closed ☐ Yes ☒ No

☐ New

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☐ Change/ Continuation P0373577

Police Agency Data

Incident Number C01-0722338

Police Agency 68C01

Patrol Zone 5

Agency Name PA STATE POLICE

Precinct PUNXSUTAWNEY TPR

Investigation Date (MM-DD-YYYY) 10-06-2002

Dispatch Time (mil) 0412

Arrival Time (mil) 0500

Investigator TPR GUY A. BATTESTILLI

Badge Number 5812

Reviewer CPL CHAS P. MOOSSOOR

Badge Number 6514

Approval Date (MM-DD-YYYY) 10-27-2002

Crash Data

County / County Name

Municipality / Municipality Name

Day of Week: ☐ Sun ☐ Thu ☐ Mon ☐ Fri ☐ Tue ☐ Sat ☐ Wed ☐ Unk

Crash Date (MM-DD-YYYY) -- -- --

Crash Time (Military)

No of Units | No of People | No Injured | No Killed (If > 00, Complete Form: AA 45 F 1)

Reportable Crash: ☐ Yes ☐ No

Notify Highway Maintenance: ☐ Yes ☐ No

School Bus Related: ☐ Yes ☐ No

School Zone Related: ☐ Yes ☐ No

PennDOT Property: ☐ Yes ☐ No

Unit Information

Unit Number

Delete? ☐

Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian ☐ Hit & Run Vehicle ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Illegally Parked ☐ Disabled From Previous Crash ☐ Legally Parked ☐ Train ☐ Non - Motorized ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Commercial Vehicle: ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

Insurance: ☐ Yes ☐ No ☐ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed: ☐ Yes ☐ No | Towed To | Towed By | Tow Agency Phone

FATAL

Unit Information

Unit Number

Delete? ☐

Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian ☐ Hit & Run Vehicle ☐ Pedestrian on Skates, in Wheelchair, etc ☐ Illegally Parked ☐ Disabled From Previous Crash ☐ Legally Parked ☐ Train ☐ Non - Motorized ☐ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1) | FI | MI | Telephone Number

Address | City | State | Zip

VIN | Model Year | Vehicle Make*

License Plate | Reg. State | Travel Speed

*Refer to List on Back of Overlay

Commercial Vehicle: ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

Insurance: ☐ Yes ☐ No ☐ Unknown | Insurance Company | Policy No | Insurance Company Phone

Vehicle Towed: ☐ Yes ☐ No | Towed To | Towed By | Tow Agency Phone

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

-FAT
AA 45 8 1

001837

Page: 1 4

Crash Number
P0373578

☐ New
☑ Change/ Continuation
☐ Delete Page

P 0 3 7 3 5 7 7

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency:

Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative:

THE STATEMENT FORMS FROM BOTH WITNESSES WILL BE ATTACHED TO THE REPORT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000452-05 ☐ New

Crash Number P0373592

AA 45 1 1

Case Closed ☐ Yes ● No

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☐ Change/ Continuation P0373577

Police Agency Data

Incident Number: C01-0072338

Police Agency: 088010

Patrol Zone: 5

Agency Name: PA STATE POLICE

Precinct: PUNXSUTAWNEY/1310

Investigation Date (MM-DD-YYYY):

Dispatch Time (mil):

Arrival Time (mil):

Investigator: CPL. GREGORY S. KUNSELMAN / 06029

Badge Number:

Reviewer: SGT ALAN F PIFER

Badge Number: 06292

Approval Date (MM-DD-YYYY): 11-05-2002

Crash Data

County:

County Name:

Municipality:

Municipality Name:

Day of Week: ☐ Sun ☐ Thu ☐ Mon ☐ Fri ☐ Tue ☐ Sat ☐ Wed ☐ Unk

Crash Date (MM-DD-YYYY):

Crash Time (Military):

No of Units:

No of People:

No Injured:

No Killed:

(If > 00, Complete Form: AA 45 F 1)

Reportable Crash ☐ Yes ☐ No

Notify Highway Maintenance ☐ Yes ☐ No

School Bus Related ☐ Yes ☐ No

School Zone Related ☐ Yes ☐ No

PennDOT Property ☐ Yes ☐ No

Unit Information

Unit Number:

Delete?

Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian

☐ Hit & Run Vehicle ☐ Illegally Parked ☐ Legally Parked ☐ Non - Motorized

☐ Pedestrian on Skates, in Wheelchair, etc ☐ Disabled From Previous Crash ☐ Train ☐ Phantom Vehicle

Owner Last Name (*If Pedestrian, skip to Form AA 45 3 1*):

FI:

MI:

Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ☐ Yes ☐ No ☐ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ☐ Yes ☐ No

Towed To:

Towed By:

Tow Agency Phone:

Unit Information

Unit Number:

Delete?

Type Unit: ☐ Motor Vehicle in Transport ☐ Pedestrian

☐ Hit & Run Vehicle ☐ Illegally Parked ☐ Legally Parked ☐ Non - Motorized

☐ Pedestrian on Skates, in Wheelchair, etc ☐ Disabled From Previous Crash ☐ Train ☐ Phantom Vehicle

Owner Last Name (*If Pedestrian, skip to Form AA 45 3 1*):

FI:

MI:

Telephone Number:

Address:

City:

State:

Zip:

Commercial Vehicle ☐ Yes ☐ No (If Yes, Complete Form: AA 45 C 1)

VIN:

Model Year:

Vehicle Make*:

License Plate:

Reg. State:

Travel Speed:

*Refer to List on Back of Overlay

Insurance ☐ Yes ☐ No ☐ Unknown

Insurance Company:

Policy No:

Insurance Company Phone:

Vehicle Towed ☐ Yes ☐ No

Towed To:

Towed By:

Tow Agency Phone:

PENNDOT COPY

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number P0373589

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☐ New ☐ Change/ Continuation ☐ Delete Page

P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

Witness 1: Address: Phone:

Witness 2: Address: Phone:

Narrative: THE PENN DOT COPY OF THE VICTIM/WITNESS STATEMENT FORMS WERE ATTACHED WITH THIS REPORT.

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

000466-02

Crash Number P0373448

◉ New

AA 45 1 1

Case Closed ○ Yes ◉ No

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○ Change/ Continuation

P03735 77

Police Agency Data

Incident Number: C01-0722338

Police Agency: 68C01

Patrol Zone: 5

Agency Name: PA STATE POLICE

Precinct: RUNSOUTAWGY 130

Investigation Date (MM-DD-YYYY): 10-06-2002

Dispatch Time (mil): 0412

Arrival Time (mil): 0500

Investigator: TPR GUY A. RATTESTILLI

Badge Number: 5812

Reviewer: CPL. GREGORY S. KUNSELMAN

Badge Number: 6629

Approval Date (MM-DD-YYYY): 12-06-2002

Crash Data

County: ___ County Name: ___

Municipality: ___ Municipality Name: ___

Day of Week: ○ Sun ○ Thu ○ Mon ○ Fri ○ Tue ○ Sat ○ Wed ○ Unk

Crash Date (MM-DD-YYYY): ___-___-___

Crash Time (Military): ___

No of Units: ___ No of People: ___ No Injured: ___ No Killed: ___ (If > 00, Complete Form: AA 45 F 1)

Reportable Crash: ○ Yes ○ No

Notify Highway Maintenance: ○ Yes ○ No

School Bus Related: ○ Yes ○ No

School Zone Related: ○ Yes ○ No

PennDOT Property: ○ Yes ○ No

Unit Information

Unit Number: ___ Delete? ○ Type Unit

○ Motor Vehicle in Transport ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized

○ Pedestrian ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1): ___ FI: ___ MI: ___ Telephone Number: ___

Address: ___ City: ___ State: ___ Zip: ___

Commercial Vehicle ○ Yes ○ No

VIN: ___ Model Year: ___ Vehicle Make*: ___

(If Yes, Complete Form: AA 45 C 1)

License Plate: ___ Reg. State: ___ Travel Speed: ___

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Un-known Insurance Company: ___ Policy No: ___ Insurance Company Phone: ___

Vehicle Towed ○ Yes ○ No Towed To: ___ Towed By: ___ Tow Agency Phone: ___

Unit Information

Unit Number: ___ Delete? ○ Type Unit

○ Motor Vehicle in Transport ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized

○ Pedestrian ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian skip to Form AA 45 3 1): ___ FI: ___ MI: ___ Telephone Number: ___

Address: ___ City: ___ State: ___ Zip: ___

Commercial Vehicle ○ Yes ○ No

VIN: ___ Model Year: ___ Vehicle Make*: ___

(If Yes, Complete Form: AA 45 C 1)

License Plate: ___ Reg. State: ___ Travel Speed: ___

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Un-known Insurance Company: ___ Policy No: ___ Insurance Company Phone: ___

Vehicle Towed ○ Yes ○ No Towed To: ___ Towed By: ___ Tow Agency Phone: ___

COMMONWEALTH OF PENNSYLVANIA
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New
Change/ Continuation
Delete Page

Crash Number
~~P0373448~~

AA 45 8 1 000467 Page: 1 8

P 0 3 7 3 5 7 7

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency:

Medical Facility:

Witness Name:

Address:

Phone:

Witness #2:

Address:

Phone:

Narrative: 12/05/02

THIS CASE IS STILL PENDING RECEIPT OF THE CORONERS REPORT

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

001238-03

Crash Number P0463214

FAT

AA 45 1 1

Case Closed ◉ Yes ○ No

Page: 1 9

○ New ◉ Change/Continuation P 0 3 7 3 5 7 7

Police Agency Data

Incident Number C 0 1 - 0 7 2 2 3 3 8

Police Agency 6 8 C 0 1

Patrol Zone 5

Agency Name PA STATE POLICE

Precinct PUNXSUTAWNEY 1310

Investigation Date (MM-DD-YYYY) 1 0 - 0 6 - 2 0 0 2

Dispatch Time (mil) 0 4 1 2

Arrival Time (mil) 0 5 0 0

Investigator TPR GUY A. BATTESTILLI

Badge Number 5 8 1 2

Reviewer CPL JEFFREY L. EDWARDS 5548

Badge Number

Approval Date (MM-DD-YYYY) 0 1 - 1 1 - 2 0 0 3

Crash Data

County

County Name

Municipality

Municipality Name

Day of Week: ○ Sun ○ Thu ○ Mon ○ Fri ○ Tue ○ Sat ○ Wed ○ Unk

Crash Date (MM-DD-YYYY) - -

Crash Time (Military)

No of Units

No of People

No Injured

No Killed

(If > 00, Complete Form: AA 45 F 1)

Reportable Crash ○ Yes ○ No

Notify Highway Maintenance ○ Yes ○ No

School Bus Related ○ Yes ○ No

School Zone Related ○ Yes ○ No

PennDOT Property ○ Yes ○ No

Unit Information

Unit Number

Delete? ○

Type Unit ○ Motor Vehicle in Transport ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized ○ Pedestrian ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1)

FI

MI

Telephone Number

Commercial Vehicle ○ Yes ○ No

Address

City

State

Zip

VIN

Model Year

Vehicle Make*

(If Yes, Complete Form: AA 45 C 1)

License Plate

Reg. State

Travel Speed

*Refer to List on Back of Overlay

FATAL

Insurance ○ Yes ○ No ○ Unknown

Insurance Company

Policy No

Insurance Company Phone

Vehicle Towed ○ Yes ○ No

Towed To

Towed By

Tow Agency Phone

Unit Information

Unit Number

Delete? ○

Type Unit ○ Motor Vehicle in Transport ○ Hit & Run Vehicle ○ Illegally Parked ○ Legally Parked ○ Non - Motorized ○ Pedestrian ○ Pedestrian on Skates, in Wheelchair, etc ○ Disabled From Previous Crash ○ Train ○ Phantom Vehicle

Owner Last Name (If Pedestrian, skip to Form AA 45 3 1)

FI

MI

Telephone Number

Commercial Vehicle ○ Yes ○ No

Address

City

State

Zip

VIN

Model Year

Vehicle Make*

(If Yes, Complete Form: AA 45 C 1)

License Plate

Reg. State

Travel Speed

*Refer to List on Back of Overlay

Insurance ○ Yes ○ No ○ Unknown

Insurance Company

Policy No

Insurance Company Phone

Vehicle Towed ○ Yes ○ No

Towed To

Towed By

Tow Agency Phone

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

FN

Crash Number: P0380357

☐ New
☒ Change/Continuation
☐ Delete Page

AA458 1 001239 Page: 20 P0373577

Witness Information and Narrative

Place emergency transport, witness, and other information here. It is not required to restate information from the form.

Responding EMS Agency: Medical Facility:

Witness 1: Address: Phone:

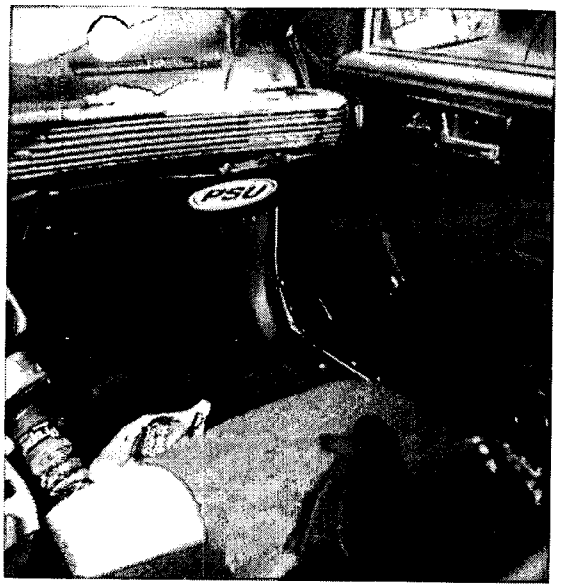
Witness 2: Address: Phone:

Narrative:

A COPY OF THE CORONER'S REPORT WAS RECEIVED. THE CAUSE OF DEATH IS LISTED AS A FLAIL CHEST + MVA. THE REPORT WILL BE PLACED IN THE ATTACHMENT FILE.



RICK EAZOR CASE
TAKEN OCT-24-02



RICK EAZOR CASE
TAKEN OCT-24-02



RICK EAZOR CASE
TAKEN OCT 24-02

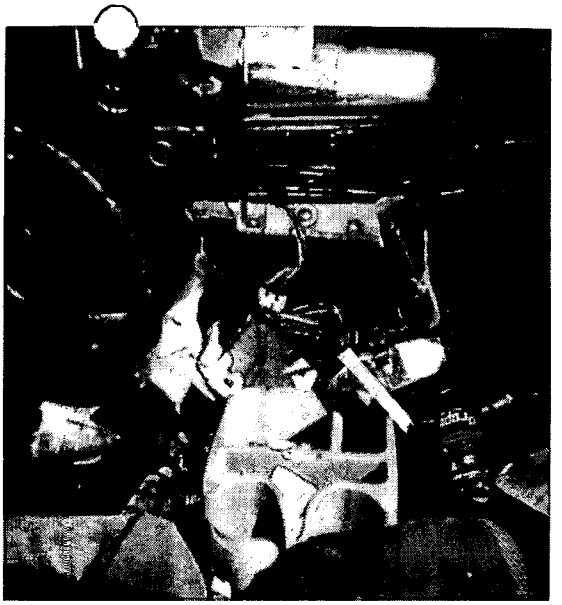


RICK EAZOR CASE
TAKEN OCT 24-02

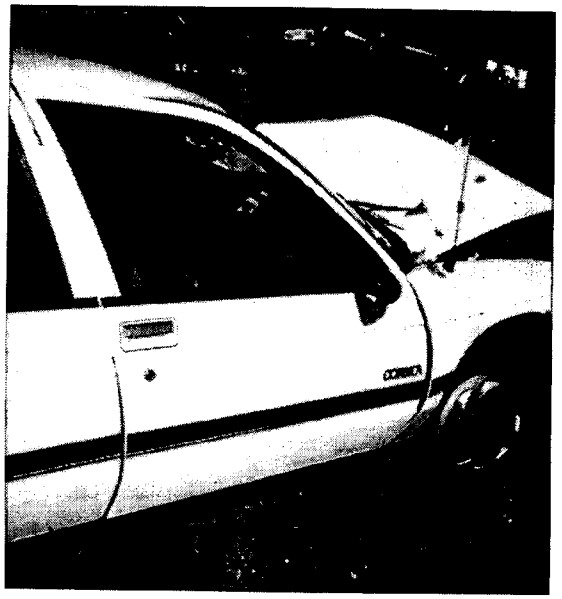
EXHIBIT D



RICK EAZOR CASE
TAKEN OCT-24-02



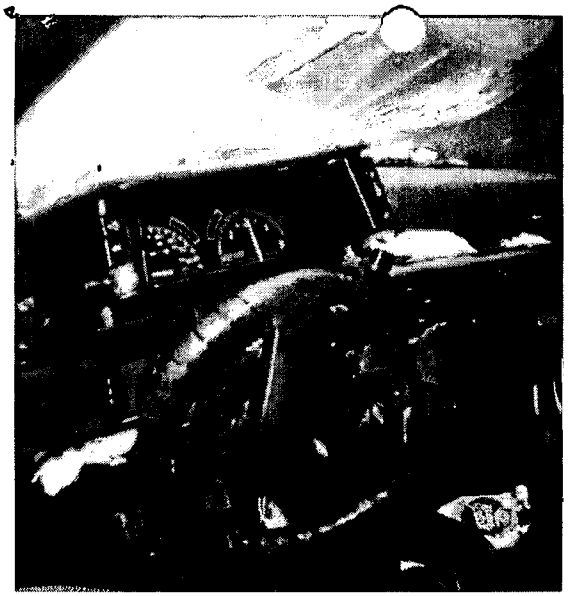
RICK EAZOR CASE
TAKEN OCT-24-02



RICK EAZOR CASE
TAKEN OCT 24-02



RICK EAZOR CASE
TAKEN OCT-24-02



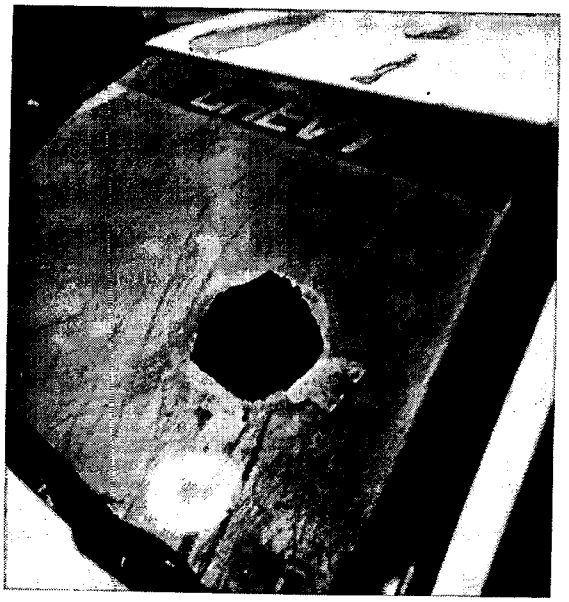
RICK EAZOR
CASE



RICK EAZOR



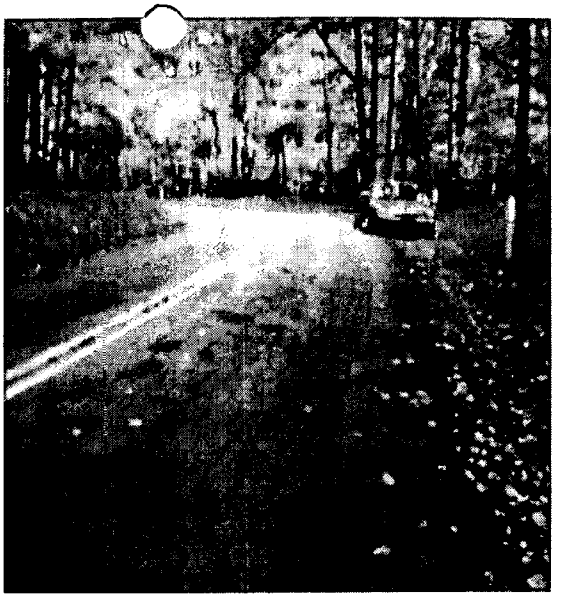
RICK EAZOR
CASE



RICK EAZOR
CASE



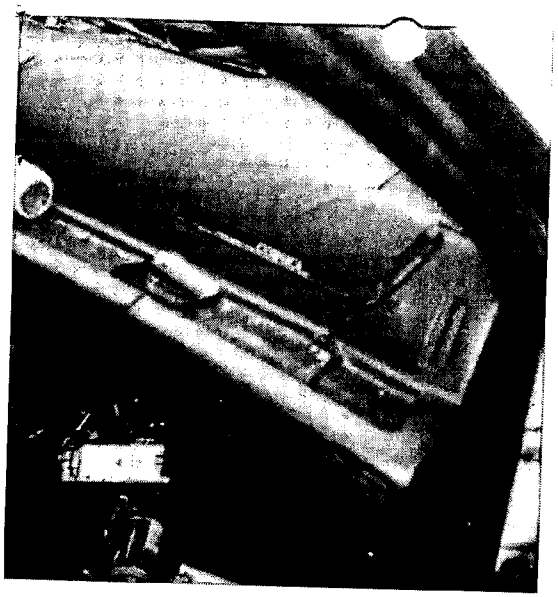
RICK EAZOR
CASE



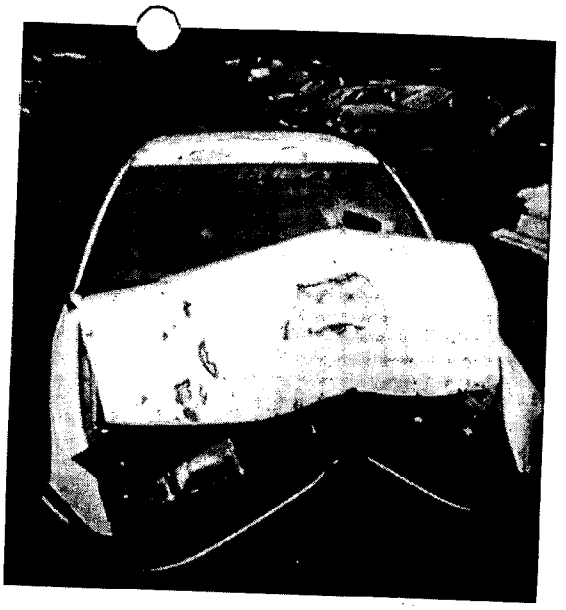
RICK EAZOR
CASE



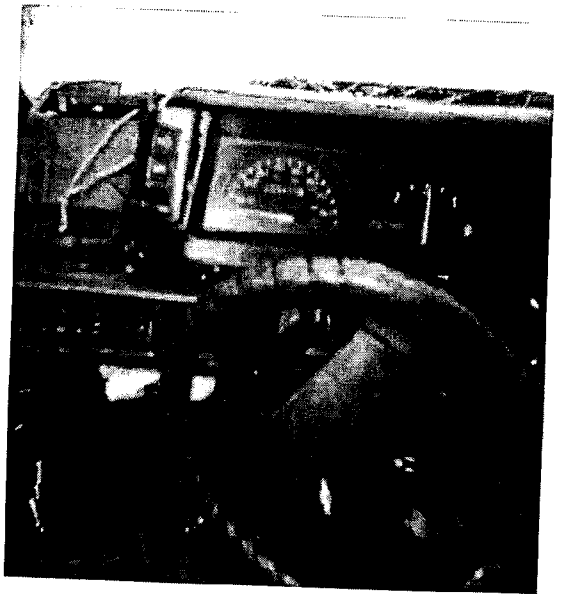
RICK EAZOR
CASE



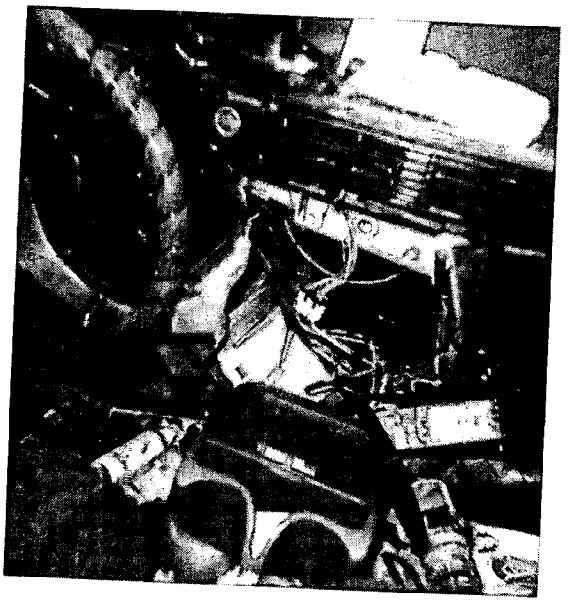
SHARPE VEH. 4-10-03



SHARPE VEH 4-10-03



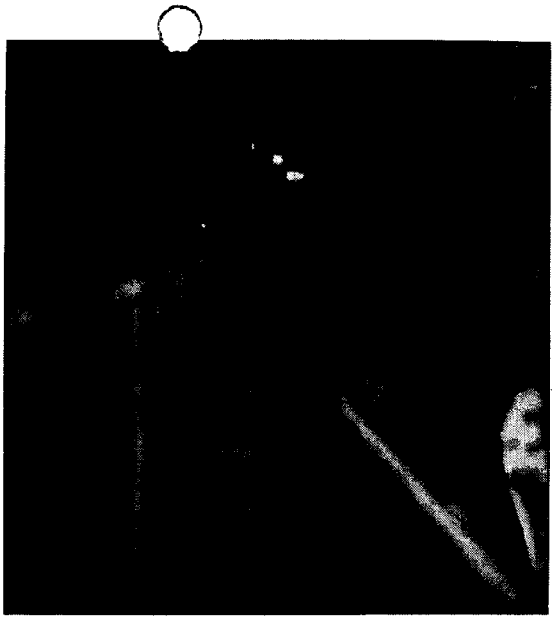
SHARPE VEH 4-10-03



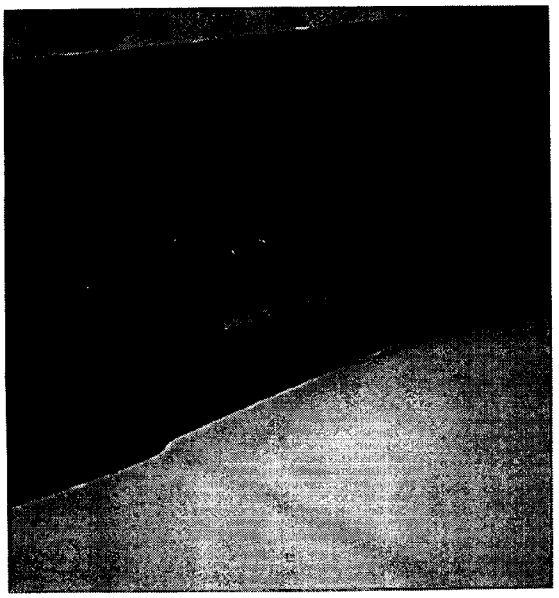
SHARPE VEH 4-10-03



SHARPE VEH 4-10-03



SHARPE VEH 4-10-03



SHARPE VEH 4-10-03



SHARPE VEH 4-10-03







DECEASED: RICHARD A. EAZOR 10/06/02

COPY

Department of the Treasury — Internal Revenue Service

Form 1040 U.S. Individual Income Tax Return 2002

(99) IRS use only — Do not write or staple in this space.

OMB No. 1545-0074

For the year Jan 1 - Dec 31, 2002, or other tax year beginning , 2002, ending , 20

Label (See instructions.)

Your first name: RICHARD A. | MI | Last name: EAZOR

Your social security number: 184-52-5367

Use the IRS label. Otherwise, please print or type.

If a joint return, spouse's first name | MI | Last name

Spouse's social security number

Home address (number and street). If you have a P.O.box, see instructions. Apartment no.: 200 MAIN STREET

City, town or post office. If you have a foreign address, see instructions. State ZIP code: BROCKWAY, PA 15824

Important! You **must** enter your social security number(s) above.

Presidential Election Campaign (See instructions.)

Note: Checking 'Yes' will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this func?. . . . . ▶ You: [ ] Yes [X] No Spouse: [ ] Yes [ ] No

Filing Status

Check only one box.

1 [X] Single

2 [ ] Married filing jointly (even if only one had income)

3 [ ] Married filing separately. Enter spouse's SSN above & full name here. ▶

4 [ ] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶

5 [ ] Qualifying widow(er) with dependent child (year spouse died . . . ▶). (See instructions.)

Exemptions

6a [X] **Yourself.** If your parent (or someone else) can claim you as a cependent on his or her tax return, **do not** check box 6a. . . . . No. of boxes checked on 6a and 6b. . . . 1

b [ ] **Spouse.** . . . . . No. of children on 6c who:

c **Dependents:**

(1) First name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if qualifying child for child tax credit (see instrs)
			[ ]
			[ ]
			[ ]
			[ ]
			[ ]

If more than five dependents, see instructions.

- lived with you. . . . .
- did not live with you due to divorce or separation (see instrs). . .
- Dependents on 6c not entered above.

d Total number of exemptions claimed . . . . . Add numbers on lines above. . . . ▶ 1

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

Enclose, but do not attach, any payment. Also, please use **Form 1040-V.**

7	Wages, salaries, tips, etc. Attach Form(s) W-2		7	31,255.
8a	**Taxable** interest. Attach Schedule B if required		8a	121.
	b **Tax-exempt** interest. **Do not** include on line 8a	8b		
9	Ordinary dividends. Attach Schedule B if required		9	
10	Taxable refunds, credits, or offsets of state and local income taxes (see instructions)		10	
11	Alimony received		11	
12	Business income or (loss). Attach Schedule C or C-EZ		12	
13	Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here ▶ [ ]		13	
14	Other gains or (losses). Attach Form 4797		14	
15a	IRA distributions	15a	b Taxable amount (see instrs)	15b
16a	Pensions and annuities	16a 345.	b Taxable amount (see instrs)	16b 16.
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E		17	-1,178.
18	Farm income or (loss). Attach Schedule F		18	
19	Unemployment compensation		19	
20a	Social security benefits	20a	b Taxable amount (see instrs)	20b
21	Other income		21	
22	Add the amounts in the far right column for lines 7 through 21. This is your **total income.** ▶		22	30,214.

Adjusted Gross Income

23	Educator expenses (see instructions)	23		
24	IRA deduction (see instructions)	24		
25	Student loan interest deduction (see instructions)	25		
26	Tuition and fees deduction (see instructions)	26		
27	Archer MSA deduction. Attach Form 8853	27		
28	Moving expenses. Attach Form 3903	28		
29	One-half of self-employment tax. Attach Schedule SE	29		
30	Self-employed health insurance deduction (see instructions)	30	2,251.	
31	Self-employed SEP, SIMPLE, and qualified plans	31		
32	Penalty on early withdrawal of savings	32		
33a	Alimony paid b Recipient's SSN ▶	33a		
34	Add lines 23 through 33a		34	2,251.
35	Subtract line 34 from line 22. This is your **adjusted gross income** ▶		35	27,963.

EXHIBIT C

Tax and Credits

Standard Deduction for —
- People who checked any box on line 37a or 37b or who can be claimed as a dependent, see instructions.
- All others: Single, $4,700
- Head of household, $6,900
- Married filing jointly or Qualifying widow(er), $7,850
- Married filing separately, $3,925

36	Amount from line 35 (adjusted gross income)		36	27,963.
37a	Check if: ☐ You were 65/older, ☐ Blind; ☐ Spouse was 65/older, ☐ Blind. Add the number of boxes checked above and enter the total here ► 37a			
b	If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see instructions and check here ► 37b ☐			
38	Itemized deductions (from Schedule A) or your standard deduction (see left margin)		38	4,700.
39	Subtract line 38 from line 36		39	23,263.
40	If line 36 is $103,000 or less, multiply $3,000 by the total number of exemptions claimed on line 6d. If line 36 is over $103,000, see the worksheet in the instructions		40	3,000.
41	Taxable income. Subtract line 40 from line 39. If line 40 is more than line 39, enter -0-		41	20,263.
42	Tax (see instrs). Check if any tax is from a ☐ Form(s) 8814 b ☐ Form 4972		42	2,741.
43	Alternative minimum tax (see instructions). Attach Form 6251		43	
44	Add lines 42 and 43 ►		44	2,741.
45	Foreign tax credit. Attach Form 1116 if required	45		
46	Credit for child and dependent care expenses. Attach Form 2441	46		
47	Credit for the elderly or the disabled. Attach Schedule R	47		
48	Education credits. Attach Form 8863	48		
49	Retirement savings contributions credit. Attach Form 8880	49		
50	Child tax credit (see instructions)	50		
51	Adoption credit. Attach Form 8839	51		
52	Credits from: a ☐ Form 8396 b ☐ Form 8859	52		
53	Other credits. Check applicable box(es): a ☐ Form 3800 b ☐ Form 8801 c ☐ Specify	53		
54	Add lines 45 through 53. These are your total credits		54	
55	Subtract line 54 from line 44. If line 54 is more than line 44, enter -0- ►		55	2,741.

Other Taxes

56	Self-employment tax. Attach Schedule SE		56	
57	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137		57	
58	Tax on qualified plans, including IRAs, and other tax-favored accounts. Attach Form 5329 if required		58	
59	Advance earned income credit payments from Form(s) W-2		59	
60	Household employment taxes. Attach Schedule H		60	
61	Add lines 55-60. This is your total tax ►		61	2,741.

Payments

If you have a qualifying child, attach Schedule EIC.

62	Federal income tax withheld from Forms W-2 and 1099	62	3,819.	
63	2002 estimated tax payments and amount applied from 2001 return	63		
64	Earned income credit (EIC)	64		
65	Excess social security and tier 1 RRTA tax withheld (see instructions)	65		
66	Additional child tax credit. Attach Form 8812	66		
67	Amount paid with request for extension to file (see instructions)	67		
68	Other pmts from: a ☐ Form 2439 b ☐ Form 4136 c ☐ Form 8885	68		
69	Add lines 62 through 68. These are your total payments ►		69	3,819.

Refund

Direct deposit? See instructions and fill in 71b, 71c, and 71d.

70	If line 69 is more than line 61, subtract line 61 from line 69. This is the amount you overpaid	70	1,078.
71a	Amount of line 70 you want refunded to you ►	71a	1,078.
b	► Routing number _____ ► c Type: ☐ Checking ☐ Savings		
d	► Account number _____		
72	Amount of line 70 you want applied to your 2003 estimated tax ► 72		

Amount You Owe

73	Amount you owe. Subtract line 69 from line 61. For details on how to pay, see instructions ►	73	
74	Estimated tax penalty (see instructions) 74		

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? ☒ Yes. Complete the following. ☐ No

Designee's name ► PREPARER Phone no. ► Personal identification number (PIN) ►

Sign Here

Joint return? See instructions.

Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation	Daytime phone number
►		MANAGER	
Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	
►			

Paid Preparer's Use Only

Preparer's signature ►	Date 3/14/03	Check if self-employed ☒	Preparer's SSN or PTIN 173-34-2820
Firm's name (or yours if self-employed), address, and ZIP code ► CLYDE, FERRARO & CO., LLP RURAL ROUTE 3, BOX 265 DUBOIS, PA 15801		EIN 25-1669808 Phone no. (814) 371-2141	

Name(s) shown on Form 1040.

RICHARD A. EAZOR

Your social security number

184-52-5367

Schedule B – Interest and Ordinary Dividends

08

Part I Interest

(See instructions for Form 1040, line 8a.)

Note. If you received a Form 1099-INT, Form 1099-OID, or substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form.

			Amount
1	List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see the instructions and list this interest first. Also, show that buyer's social security number and address ► DICK EAZOR CHEVROLET-PONTIAC, INC.	1	121.
2	Add the amounts on line 1	2	121.
3	Excludable interest on series EE and I U.S. savings bonds issued after 1989 from Form 8815, line 14. You **must** attach Form 8815.	3	
4	Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a ►	4	121.

Note. If line 4 is over $1,500, you must complete Part III.

Part II Ordinary Dividends

(See instructions for Form 1040, line 9.)

Note. If you received a Form 1099-DIV or substitute statement from a brokerage firm, list the firm's name as the payer and enter the ordinary dividends shown on that form.

			Amount
5	List name of payer. Include only ordinary dividends. If you received any capital gain distributions, see the instructions for Form 1040, line 13. ►	5	
6	Add the amounts on line 5. Enter the total here and on Form 1040, line 9 ►	6	0.

Note. If line 6 is over $1,500, you must complete Part III.

Part III Foreign Accounts and Trusts

(See instructions.)

You must complete this part if you **(a)** had over $1,500 of taxable interest or ordinary dividends; OR **(b)** had a foreign account; or **(c)** received a distribution from, or were a grantor of, or a transferor to, a foreign trust.

		Yes	No
7a	At any time during 2002, did you have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account? See instructions for exceptions and filing requirements for Form TD F 90-22.1		X
b	If 'Yes,' enter the name of the foreign country ►		
8	During 2002, did you receive a distribution from, or were you the grantor of, or transferor to, a foreign trust? If 'Yes,' you may have to file Form 3520. See instructions		X

Name(s) shown on return. Do not enter name and social security number if shown on Page 1.

RICHARD A. EAZOR

Your social security number: 184-52-5367

Note. If you report amounts from farming or fishing on Schedule E, you must enter your gross income from those activities on line 41 below. Real estate professionals must complete line 42 below.

Part II Income or Loss From Partnerships and S Corporations

Note. If you report a loss from an at-risk activity, you **must** check either column **(e)** or **(f)** on line 27 to describe your investment in the activity. See instructions. If you check column **(f)**, you must attach **Form 6198.**

27	(a) Name	(b) Enter P for partnership; S for S corporation	(c) Check if foreign partnership	(d) Employer identification number	Investment At Risk? (e) All is at risk	(f) Some is not at risk
A	DICK EAZOR CHEVROLET-PONTIAC, INC.	S		25-1247619		X
B						
C						
D						
E						

	Passive Income and Loss		Nonpassive Income and Loss		
	(g) Passive loss allowed (attach **Form 8582** if required)	(h) Passive income from **Schedule K-1**	(i) Nonpassive loss from **Schedule K-1**	(j) Section 179 expense deduction from **Form 4562**	(k) Nonpassive income from **Schedule K-1**
A			1,178.		
B					
C					
D					
E					
28a Totals					
b Totals			1,178.		

29	Add columns (h) and (k) of line 28a	29	
30	Add columns (g), (i), and (j) of line 28b	30	-1,178.
31	**Total partnership and S corporation income or (loss).** Combine lines 29 and 30. Enter the result here and include in the total on line 40 below	31	-1,178.

Part III Income or Loss From Estates and Trusts

32	(a) Name	(b) Employer ID no.
A		
B		

	Passive Income and Loss		Nonpassive Income and Loss	
	(c) Passive deduction or loss allowed (attach **Form 8582** if required)	(d) Passive income from **Schedule K-1**	(e) Deduction or loss from **Schedule K-1**	(f) Other income from **Schedule K-1**
A				
B				
33a Totals				
b Totals				

34	Add columns (d) and (f) of line 33a	34	
35	Add columns (c) and (e) of line 33b	35	
36	**Total estate and trust income or (loss).** Combine lines 34 and 35. Enter the result here and include in the total on line 40 below	36	

Part IV Income or Loss From Real Estate Mortgage Investment Conduits (REMICs) – Residual Holder

37	(a) Name	(b) Employer identification number	(c) Excess inclusion from **Schedules Q**, line 2c (see instructions)	(d) Taxable income (net loss) from **Schedules Q**, line 1b	(e) Income from **Schedules Q**, line 3b

38	Combine columns (d) and (e) only. Enter the result here and include in the total on line 40 below	38	

Part V Summary

39	Net farm rental income or (loss) from **Form 4835**. Also, complete line 41 below	39	
40	**Total income or (loss).** Combine lines 26, 31, 36, 38, and 39. Enter the result here and on Form 1040, line 17 ►	40	-1,178.
41	**Reconciliation of Farming and Fishing Income.** Enter your **gross** farming and fishing income reported on Form 4835, line 7; Schedule K-1 (Form 1065), line 15b; Schedule K-1 (Form 1120S), line 23; and Schedule K-1 (Form 1041), line 14 (see instructions)	41	
42	**Reconciliation for Real Estate Professionals.** If you were a real estate professional (see instructions), enter the net income or (loss) you reported anywhere on Form 1040 from all rental real estate activities in which you materially participated under the passive activity loss rules	42	

Form **6198**

Department of the Treasury
Internal Revenue Service

At-Risk Limitations

► Attach to your tax return.
► See separate instructions.

COPY

OMB No. 1545-0712

2002
31

Name(s) shown on return: RICHARD A. EAZOR

Identifying number: 184-52-5367

Description of activity (See instructions.)

DICK EAZOR CHEVROLET-PONTIAC, INC. 25-1247619

Part I Current Year Profit (Loss) from the Activity, Including Prior Year Nondeductible Amounts (see instructions).

1	Ordinary income (loss) from the activity (see the instructions)	1	-1,999.
2	Gain (loss) from the sale or other disposition of assets used in the activity (or of your interest in the activity) that you are reporting on:		
a	Schedule D	2a	
b	Form 4797	2b	
c	Other form or schedule	2c	
3	Other income or gains from the activity, from Schedule K-1 of Form 1065, Form 1065-B, or Form 1120S, that were not included on lines 1 through 2c	3	121.
4	Other deductions and losses from the activity, including investment interest expense allowed from Form 4952, that were not included on lines 1 through 2c	4	-104.
5	Current year profit (loss) from the activity. Combine lines 1 through 4. See the instructions before completing the rest of this form	5	-1,982.

Part II Simplified Computation of Amount at Risk. See instructions before completing this part.

6	Adjusted basis (as defined in Section 1011) in the activity (or in your interest in the activity) on the first day of the tax year. **Do not** enter less than zero	6	1,188.
7	Increases for the tax year (see instructions)	7	
8	Add lines 6 and 7	8	1,188.
9	Decreases for the tax year (see instructions)	9	70.
10a	Subtract line 9 from line 8 ► 10a 1,118.		
b	If line 10a is **more** than zero, enter that amount here and go to line 20 (or complete Part III). Otherwise, enter -0- and see **Publication 925** for information on the recapture rules	10b	1,118.

Part III Detailed Computation of Amount at Risk. If you completed Part III of Form 6198 for 2001, see instructions.

11	Investment in the activity (or in your interest in the activity) at the effective date. **Do not** enter less than zero	11	
12	Increases at effective date	12	
13	Add lines 11 and 12	13	
14	Decreases at effective date	14	
15	Amount at risk (check box that applies):		
a	☐ At effective date. Subtract line 14 from line 13. **Do not** enter less than zero.	15	
b	☐ From 2001 Form 6198, line 19b. **Do not** enter the amount from line 10b of the 2001 form.		
16	Increases since (check box that applies):		
a	☐ Effective date b ☐ The end of your 2001 tax year	16	
17	Add lines 15 and 16	17	
18	Decreases since (check box that applies):		
a	☐ Effective date b ☐ The end of your 2001 tax year	18	
19a	Subtract line 18 from line 17 ► 19a		
b	If line 19a is **more** than zero, enter that amount here and go to line 20. Otherwise, enter -0- and see **Publication 925** for information on the recapture rules	19b	

Part IV Deductible Loss

20	**Amount at risk.** Enter the **larger** of line 10b or line 19b	20	1,118.
21	**Deductible loss.** Enter the **smaller** of the line 5 loss (treated as a positive number) or line 20. See the instructions to find out how to report any deductible loss and any carryover	21	-1,118.

Note: *If the loss is from a passive activity, see **Form 8582,** Passive Activity Loss Limitations, or **Form 8810,** Corporate Passive Activity Loss and Credit Limitations, to find out if the loss is allowed under the passive activity rules. If only part of the loss is subject to the passive activity loss rules, report only that part on Form 8582 or Form 8810, whichever applies.*

RICHARD A. EAZOR 184-52-5367

COPY

ACTIVITY NAME: DICK EAZOR CHEVROLET-PONTIAC, INC.

	TOTAL LOSS	DEDUCTIBLE LOSS	AT-RISK CARRYOVER
ORDINARY LOSS	1,999.	1,178.	821.
CHARITABLE CONTRIBUTIONS	104.	61.	43.
REGULAR TAX	2,103.	1,239.	864.

	AT-RISK CARRYOVER
ALTERNATIVE MINIMUM TAX	958.

Form **1310**
(Rev November 2002)
Department of the Treasury
Internal Revenue Service

Statement of Person Claiming Refund Due a Deceased Taxpayer

COPY

► See instructions.

OMB No. 1545-0073

87

Tax year decedent was due a refund:
Calendar year 2002 , or other tax year beginning , , and ending ,

	Name of decedent	Date of death	Decedent's social security number
	RICHARD A. EAZOR	10/06/02	184-52-5367
Please type or print	Name of person claiming refund		Your social security number
	CANDACE A. EAZOR		179-56-3266
	Home address (number and street). If you have a P.O. box, see instructions		Apartment number
	508 NORTH COURT		
	City, town or post office. If you have a foreign address, see instructions		State ZIP code
	DUBOIS, PA 15801		

Part I **Check the box that applies to you.** Check only one box. **Be sure to complete Part III below.**

A ☐ Surviving spouse requesting reissuance of a refund check (see instructions).

B ☒ Court-appointed or certified personal representative. Attach a court certificate showing your appointment, unless previously filed (see instructions).

C ☐ Person, **other** than A or B, claiming refund for the decedent's estate (see instructions). Also, complete Part II.

Part II **Complete this part only if you checked the box on line C above.**

	Yes	No
1 Did the decedent leave a will?		
2a Has a court appointed a personal representative for the estate of the decedent?		
b If you answered **'No'** to 2a, will one be appointed?		
If you answered **'Yes'** to 2a or 2b, the personal representative must file for the refund.		
3 As the person claiming the refund for the decedent's estate, will you pay out the refund according to the laws of the state where the decedent was a legal resident?		

If you answered **'No'** to 3, a refund cannot be made until you submit a court certificate showing your appointment as personal representative or other evidence that you are entitled under state law to receive the refund.

Part III **Signature and verification. All filers must complete this part.**

I request a refund of taxes overpaid by or on behalf of the decedent. Under penalties of perjury, I declare that I have examined this claim, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of person claiming refund ► **Date** ►

BAA For Paperwork Reduction Act Notice, see separate instructions. Form **1310** (Rev 11-2002)

COPY

STATE OF PENNSYLVANIA
COUNTY OF JEFFERSON

SHORT-CERTIFICATE

I, DIANE MAIHLE KIEHL
Register for the Probate of Wills and Granting Letters of Administration &c. in and for said County of JEFFERSON do hereby certify that on the 17th day of October A.D., Two Thousand and Two,
Letters of ADMINISTRATION
in common form were granted by the Register of said County, on the
estate of EAZOR RICHARD A (LAST, FIRST, MIDDLE), late of POLK TOWNSHIP
in said county, deceased, to EAZOR CANDACE A (LAST, FIRST, MIDDLE)

and that same has not since been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said office at BROOKVILLE, PENNSYLVANIA, this 17th day of October A.D., Two Thousand and Two.

File No. 2002-00278
PA File No. 33-02-0278
Date of Death 10/06/2002
S.S. # 184-52-5367

Diane Maihle Kiehl
Register

NOT VALID WITHOUT ORIGINAL SIGNATURE AND IMPRESSED SEAL

05.805 REV 9/86

This is to certify that the information here given is correctly copied from an original certificate of death duly filed with me as Local Registrar. The original certificate will be forwarded to the State Vital Records Office for permanent filing.

WARNING: It is illegal to duplicate this copy by photostat or photograph.

Fee for this certificate, $2.00

COMMONWEALTH OF PENNSYLVANIA ★ DEPARTMENT OF HEALTH ★

David S Dawes
Local Registrar

P 8739465
No.

Oct 10 2002
Date

COPY

H105.144 Rev. 1/91

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF HEALTH • VITAL RECORDS

CERTIFICATE OF DEATH
(Coroner)

TYPE/PRINT IN PERMANENT BLACK INK

17

STATE FILE NUMBER

DECEDENT PERSONAL DATA

1. NAME OF DECEDENT (First, Middle, Last): Richard Eazor
2. SEX: Male
3. SOCIAL SECURITY NUMBER: 184-52-5367
4. DATE OF DEATH (Month, Day, Year): October 6, 2002
5. AGE (Last Birthday): 43 Yrs. — UNDER 1 YEAR: Months / Days — UNDER 1 DAY: Hours / Minutes
6. DATE OF BIRTH (Month, Day, Year): June 29, 1959
7. BIRTHPLACE (City and State or Foreign Country): Aliquippa, PA
8a. PLACE OF DEATH (Check only one — see instructions): HOSPITAL: Inpatient ☐ ER/Outpatient ☒ DOA ☐ — OTHER: Nursing Home ☐ Residence ☐ Other (Specify) ☐
8b. COUNTY OF DEATH: Clearfield
8c. CITY, BORO, TWP OF DEATH: DuBois City
8d. FACILITY NAME (If institution, give street and number): DuBois Regional Med. Ceneter
9. WAS DECEDENT OF HISPANIC ORIGIN? No ☒ Yes ☐ If yes, specify Cuban, Mexican, Puerto Rican, etc.
10. RACE - American Indian, Black, White, etc. (Specify): White
11a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life; do not use retired): Owner/operator
11b. KIND OF BUSINESS/INDUSTRY: Auto Dealership
12. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes ☐ No ☒
13. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 12 — College (1-4 or 5+):
14. MARITAL STATUS: Married / Never Married / Widowed / Divorced (Specify): Never Married
15. SURVIVING SPOUSE (If wife, give maiden name):
16. DECEDENT'S USUAL RESIDENCE (Street, City/Town, State, Zip Code): 200 Main St. Brockway, Pa 15824
17a. DECEDENT'S ACTUAL RESIDENCE (See instructions on other side) — State: PA
17b. County: Jefferson
17c. Did decedent live in a township? ☐ Yes, decedent lived in ____ twp
17d. ☒ No, decedent lived within actual limits of: Brockway (city/boro)
18. FATHER'S NAME (First, Middle, Last): J. Richard Eazor
19. MOTHER'S NAME (First, Middle, Maiden Surname): Wanda Martin
20a. INFORMANT'S NAME (Type/Print): J. Richard Eazor
20b. INFORMANT'S MAILING ADDRESS (Street, City/Town, State, Zip Code): 5767 Rt. 219 North, Brockport, PA 15823

DISPOSITION

21a. METHOD OF DISPOSITION: Burial ☐ Cremation ☒ Removal from State ☐ Donation ☐ Other (Specify) ☐
21b. DATE OF DISPOSITION (Month, Day, Year): Oct. 9, 2002
21c. PLACE OF DISPOSITION - Name of Cemetery, Crematory or Other Place: Northwest PA Crematory
21d. LOCATION - City/Town, State, Zip Code: 330 Wood St. Clarion, PA 16214
22a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH: [signature]
22b. LICENSE NUMBER: 013700-L
22c. NAME AND ADDRESS OF FACILITY: Goble-Barnick F.H. 211 South Main St. DuBois, PA 15801

PRONOUNCING PHYSICIAN ONLY (Sign duration on other side)

Complete items 23-26 only when certifying physician or nonphysician at time of death to certify cause of death.
23a. To the best of my knowledge, death occurred at the time, date and place stated (Signature and Title):
23b. LICENSE NUMBER:
23c. DATE SIGNED (Month, Day, Year): October 7, 2002
Items 24-26 must be completed by person who pronounces death.
24. TIME OF DEATH: 5:06 AM
25. DATE PRONOUNCED DEAD (Month, Day, Year): October 6, 2002
26. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? Yes ☒ No ☐

CAUSE OF DEATH (Enter instructions on other side)

27. PART I: Enter the diseases, injuries, or complications which caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line. — Approximate interval between onset and death
IMMEDIATE CAUSE (Final disease or condition resulting in death): a. Flail Chest
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST:
b. DUE TO (OR AS A CONSEQUENCE OF): MVA
c. DUE TO (OR AS A CONSEQUENCE OF):
d.
PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.

28a. WAS AN AUTOPSY PERFORMED? Yes ☒ No ☐
28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes ☒ No ☐
29. MANNER OF DEATH: Natural ☐ Homicide ☐ Accident ☒ Pending Investigation ☐ Suicide ☐ Could not be determined ☐
30a. DATE OF INJURY (Month, Day, Year): October 6 2002
30b. TIME OF INJURY: 3:40 AM
30c. INJURY AT WORK? Yes ☐ No ☒
30d. DESCRIBE HOW INJURY OCCURRED: 1 vehicle accident head on into tree
30e. PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify): SR 949
30f. LOCATION (Street, City/Town, State): SR 949 / Spring Creek Rd Sigel Pa

CERTIFIER (See instructions on other side)

CERTIFIER (Check only one):
*CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed Item 23): To the best of my knowledge, death occurred due to the cause(s) and manner as stated. ☐
*PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death): To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐
*MEDICAL EXAMINER/CORONER: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☒
31a. SIGNATURE AND TITLE OF CERTIFIER: Kim Shaffer Deputy Coroner
31b. LICENSE NUMBER:
31c. DATE SIGNED (Month, Day, Year): October 7, 2002
32. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 27) Type or Print: Kim Shaffer RD 4 Box 178 DuBois, PA
33. REGISTRAR'S SIGNATURE AND NUMBER: David S Dawes 10.11.82
34. DATE FILED (Month, Day, Year): Oct 09 2002

ALIAS USED

NAME OF DECEDENT

COPY

Department of the Treasury — Internal Revenue Service

Form 1040 U.S. Individual Income Tax Return 2001

(99) IRS use only — Do not write or staple in this space.

For the year Jan 1 - Dec 31, 2001, or other tax year beginning , 2001, ending , 20

OMB No. 1545-0074

Label (See instructions.)

Use the IRS label. Otherwise, please print or type.

Your First Name	MI	Last Name	Your Social Security Number
RICHARD A. EAZOR			184-52-5367
If a Joint Return, Spouse's First Name	MI	Last Name	Spouse's Social Security Number
Home Address (number and street). If You Have a P.O. Box, See Instructions.		Apartment No.	
200 MAIN STREET			
City, Town or Post Office. If You Have a Foreign Address, See Instructions.		State ZIP Code	
BROCKWAY, PA 15824			

Important! You **must** enter your social security number(s) above.

Presidential Election Campaign (See instructions.)

Note: Checking 'Yes' will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ You: [ ] Yes [X] No Spouse: [ ] Yes [ ] No

Filing Status

Check only one box.

1 [X] Single
2 [ ] Married filing joint return (even if only one had income)
3 [ ] Married filing separate return. Enter spouse's SSN above & full name here ▶
4 [ ] Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here ▶
5 [ ] Qualifying widow(er) with dependent child (year spouse died ▶). (See instructions.)

Exemptions

6a [X] **Yourself.** If your parent (or someone else) can claim you as a dependent on his or her tax return, **do not** check box 6a

b [ ] **Spouse**

No. of boxes checked on 6a and 6b: 1

No. of your children on 6c who:
- lived with you:
- did not live with you due to divorce or separation (see instrs):

Dependents on 6c not entered above:

Add numbers entered on lines above ▶ 1

c **Dependents:**

(1) First name / Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) ✓ if qualifying child for child tax credit (see instrs)

If more than six dependents, see instructions.

d Total number of exemptions claimed: 1

Income

Attach Forms W-2 and W-2G here. Also attach Form(s) 1099-R if tax was withheld.

If you did not get a W-2, see instructions.

Enclose, but do not attach, any payment. Also, please use **Form 1040-V.**

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	29,845.
8a	**Taxable** interest. Attach Schedule B if required	8a	197.
	b **Tax-exempt** interest. **Do not** include on line 8a (8b)		
9	Ordinary dividends. Attach Schedule B if required	9	
10	Taxable refunds, credits, or offsets of state and local income taxes (see instructions)	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ [ ]	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	Total IRA distributions (15a) b Taxable amount (see instrs)	15b	
16a	Total pensions & annuities (16a) b Taxable amount (see instrs)	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	1,186.
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits (20a) b Taxable amount (see instrs)	20b	
21	Other income SEE STATEMENT 1	21	3,575.
22	Add the amounts in the far right column for lines 7 through 21. This is your **total income** ▶	22	34,803.

Adjusted Gross Income

23	IRA deduction (see instructions)	23	
24	Student loan interest deduction (see instructions)	24	
25	Archer MSA deduction. Attach Form 8853	25	
26	Moving expenses. Attach Form 3903	26	
27	One-half of self-employment tax. Attach Schedule SE	27	58.
28	Self-employed health insurance deduction (see instructions)	28	1,651.
29	Self-employed SEP, SIMPLE, and qualified plans	29	
30	Penalty on early withdrawal of savings	30	
31a	Alimony paid b Recipient's SSN ▶	31a	
32	Add lines 23 through 31a	32	1,709.
33	Subtract line 32 from line 22. This is your **adjusted gross income** ▶	33	33,094.

COPY

Form 1040 (2001) RICHARD A. EAZOR 184-52-5367 Page 2

Tax and Credits

Standard Deduction for –
- People who checked any box on line 35a or 35b or who can be claimed as a dependent, see instructions.
- All others: Single: $4,550
- Head of household, $6,650
- Married filing jointly or Qualifying widow(er), $7,600
- Married filing separately, $3,800

34	Amount from line 33 (adjusted gross income)		34	33,094.
35a	Check if: ☐ You were 65/older, ☐ Blind; ☐ Spouse was 65/older, ☐ Blind. Add the number of boxes checked above and enter the total here ►	35a		
b	If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see instructions and check here ►	35b ☐		
36	Itemized deductions (from Schedule A) or your standard deduction (see left margin)		36	4,550.
37	Subtract line 36 from line 34		37	28,544.
38	If line 34 is $99,725 or less, multiply $2,900 by the total number of exemptions claimed on line 6d. If line 34 is over $99,725, see the worksheet in the instructions		38	2,900.
39	Taxable income. Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-		39	25,644.
40	Tax (see instrs). Check if any tax is from a ☐ Form(s) 8814 b ☐ Form 4972		40	3,844.
41	Alternative minimum tax (see instructions). Attach Form 6251		41	
42	Add lines 40 and 41 ►		42	3,844.
43	Foreign tax credit. Attach Form 1116 if required	43		
44	Credit for child and dependent care expenses. Attach Form 2441	44		
45	Credit for the elderly or the disabled. Attach Schedule R	45		
46	Education credits. Attach Form 8863	46		
47	Rate reduction credit. See the worksheet	47		
48	Child tax credit (see instructions)	48		
49	Adoption credit. Attach Form 8839	49		
50	Other credits from a ☐ Form 3800 b ☐ Form 8396 c ☐ Form 8801 d ☐ Form (specify)	50		
51	Add lines 43 through 50. These are your total credits		51	
52	Subtract line 51 from line 42. If line 51 is more than line 42, enter -0- ►		52	3,844.

Other Taxes

53	Self-employment tax. Attach Schedule SE		53	116.
54	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137		54	
55	Tax on qualified plans, including IRAs, and other tax-favored accounts. Attach Form 5329 if required		55	
56	Advance earned income credit payments from Form(s) W-2		56	
57	Household employment taxes. Attach Schedule H		57	
58	Add lines 52-57. This is your total tax ►		58	3,960.

Payments

If you have a qualifying child, attach Schedule EIC.

59	Federal income tax withheld from Forms W-2 and 1099	59	4,171.	
60	2001 estimated tax payments and amount applied from 2000 return	60		
61a	Earned income credit (EIC)	61a		
b	Nontaxable earned income 61b			
62	Excess social security and RRTA tax withheld (see instrs)	62		
63	Additional child tax credit. Attach Form 8812	63		
64	Amount paid with request for extension to file (see instructions)	64		
65	Other payments. Check if from a ☐ Form 2439 b ☐ Form 4136	65		
66	Add lines 59, 60, 61a, and 62 through 65. These are your total payments ►		66	4,171.

FDIA0112L 12/10/01

Refund

Direct deposit? See instructions and fill in 68b, 68c, and 68d.

67	If line 66 is more than line 58, subtract line 58 from line 66. This is the amount you overpaid	67	211.
68a	Amount of line 67 you want refunded to you ►	68a	211.
b	► Routing number _____ ► c Type: ☐ Checking ☐ Savings		
d	► Account number _____		
69	Amount of line 67 you want applied to your 2002 estimated tax ► 69		

Amount You Owe

70	Amount you owe. Subtract line 66 from line 58. For details on how to pay, see instructions ►	70	
71	Estimated tax penalty. Also include on line 70 71		

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? ☒ Yes. Complete the following. ☐ No

Designee's Name ► PREPARER Phone No. ► Personal Identification Number (PIN) ►

Sign Here

Joint return? See instructions.

Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your Signature	Date	Your Occupation	Daytime Phone Number
►		MANAGER	
Spouse's Signature. If a Joint Return, Both Must Sign.	Date	Spouse's Occupation	
►			

Paid Preparer's Use Only

Preparer's Signature ►	Date 4/9/02	Check if self-employed ☒	Preparer's SSN or PTIN 173-34-2820
Firm's Name (or yours if self-employed), Address, and ZIP Code ► CLYDE, FERRARO & CO., LLP RURAL ROUTE 3, BOX 265 DUBOIS, PA 15801		EIN 25-1669808 Phone No. (814) 371-2141	

Form 1040 (2001)

COPY

Name(s) Shown on Form 1040. | Your Social Security Number

RICHARD A. EAZOR | 184-52-5367

Schedule B – Interest and Ordinary Dividends

08

Part I Interest

(See instructions for Form 1040, line 8a.)

Note. If you received a Form 1099-INT, Form 1099-OID, or substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form.

			Amount
1	List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see the instructions and list this interest first. Also, show that buyer's social security number and address ► DICK EAZOR CHEVROLET-PONTIAC, INC.	1	197.
2	Add the amounts on line 1	2	197.
3	Excludable interest on series EE and I U.S. savings bonds issued after 1989 from Form 8815, line 14. You **must** attach Form 8815	3	
4	Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a ►	4	197.

Note. If line 4 is over $400, you must complete Part III.

Part II Ordinary Dividends

(See instructions for Form 1040, line 9.)

Note. If you received a Form 1099-DIV or substitute statement from a brokerage firm, list the firm's name as the payer and enter the ordinary dividends shown on that form.

			Amount
5	List name of payer. Include only ordinary dividends. If you received any capital gain distributions, see the instructions for Form 1040, line 13 ►	5	
6	Add the amounts on line 5. Enter the total here and on Form 1040, line 9 ►	6	0.

Note. If line 6 is over $400, you must complete Part III.

Part III Foreign Accounts and Trusts

(See instructions.)

		Yes	No
	You must complete this part if you **(a)** had over $400 of taxable interest or ordinary dividends; **(b)** had a foreign account; or **(c)** received a distribution from, or were a grantor of, or a transferor to, a foreign trust.		
7a	At any time during 2001, did you have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account? See instructions for exceptions and filing requirements for Form TD F 90-22.1		X
b	If 'Yes,' enter the name of the foreign country ►		
8	During 2001, did you receive a distribution from, or were you the grantor of, or transferor to, a foreign trust? If 'Yes,' you may have to file Form 3520. See instructions		X

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Schedule **E** (Form 1040) 2001

Name(s) Shown on Return. Do Not Enter Name and Social Security Number if Shown on Page 1.

RICHARD, A. EAZOR

Your Social Security Number: 184-52-5367

Note: *If you report amounts from farming or fishing on Schedule E, you must enter your gross income from those activities on line 41 below. Real estate professionals must complete line 42 below.*

Part II Income or Loss from Partnerships and S Corporations

Note: *If you report a loss from an at-risk activity, you* ***must*** *check either column* ***(e)*** *or* ***(f)*** *on line 27 to describe your investment in the activity. See instructions. If you check column* ***(f)****, you must attach* ***Form 6198.***

27	(a) Name	(b) Enter P for partnership; S for S Corporation	(c) Check if foreign partnership	(d) Employer identification number	Investment at Risk? (e) All is at risk	(f) Some is not at risk
A	DICK EAZOR CHEVROLET-PONTIAC, INC.	S		25-1247619		
B						
C						
D						
E						

	Passive Income and Loss		Nonpassive Income and Loss		
	(g) Passive loss allowed (attach **Form 8582** if required)	(h) Passive income from **Schedule K-1**	(i) Nonpassive loss from **Schedule K-1**	(j) Section 179 expense deduction from **Form 4562**	(k) Nonpassive income from **Schedule K-1**
A				467.	1,653.
B					
C					
D					
E					1,653.
28a Totals				467.	
b Totals					

29	Add columns (h) and (k) of line 28a	29	1,653.
30	Add columns (g), (i), and (j) of line 28b	30	-467.
31	Total partnership and S corporation income or (loss). Combine lines 29 and 30. Enter the result here and include in the total on line 40 below	31	1,186.

Part III Income or Loss from Estates and Trusts

32	(a) Name	(b) Employer ID no.
A		
B		

	Passive Income and Loss		Nonpassive Income and Loss	
	(c) Passive deduction or loss allowed (attach **Form 8582** if required)	(d) Passive income from **Schedule K-1**	(e) Deduction or loss from **Schedule K-1**	(f) Other income from **Schedule K-1**
A				
B				
33a Totals				
b Totals				

34	Add columns (d) and (f) of line 33a	34	
35	Add columns (c) and (e) of line 33b	35	
36	Total estate and trust income or (loss). Combine lines 34 and 35. Enter the result here and include in the total on line 40 below	36	

Part IV Income or Loss from Real Estate Mortgage Investment Conduits (REMICs) – Residual Holder

37	(a) Name	(b) Employer identification number	(c) Excess inclusion from **Schedules Q**, line 2c (see instructions)	(d) Taxable income (net loss) from **Schedules Q**, line 1b	(e) Income from **Schedules Q**, line 3b

38	Combine columns (d) and (e) only. Enter the result here and include in the total on line 40 below	38	

Part V Summary

39	Net farm rental income or (loss) from **Form 4835**. Also, complete line 41 below	39	
40	**Total** income or (loss). Combine lines 26, 31, 36, 38, and 39. Enter the result here and on Form 1040, line 17 ▶	40	1,186.
41	**Reconciliation of Farming and Fishing Income:** Enter your **gross** farming and fishing income reported on Form 4835, line 7; Schedule K-1 (Form 1065), line 15b; Schedule K-1 (Form 1120S), line 23; and Schedule K-1 (Form 1041), line 14 (see instructions)	41	
42	**Reconciliation for Real Estate Professionals.** If you were a real estate professional (see instructions), enter the net income or (loss) you reported anywhere on Form 1040 from all rental real estate activities in which you materially participated under the passive activity loss rules	42	

Schedule SE
(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Self-Employment Tax COPY

► See instructions for Schedule SE (Form 1040).

► Attach to Form 1040.

OMB No. 1545-0074

2001

17

Name of Person with **Self-Employment** Income (as shown on Form 1040)

RICHARD A. EAZOR

Social Security Number of Person with **Self-Employment** Income ►

184-52-5367

Who Must File Schedule SE

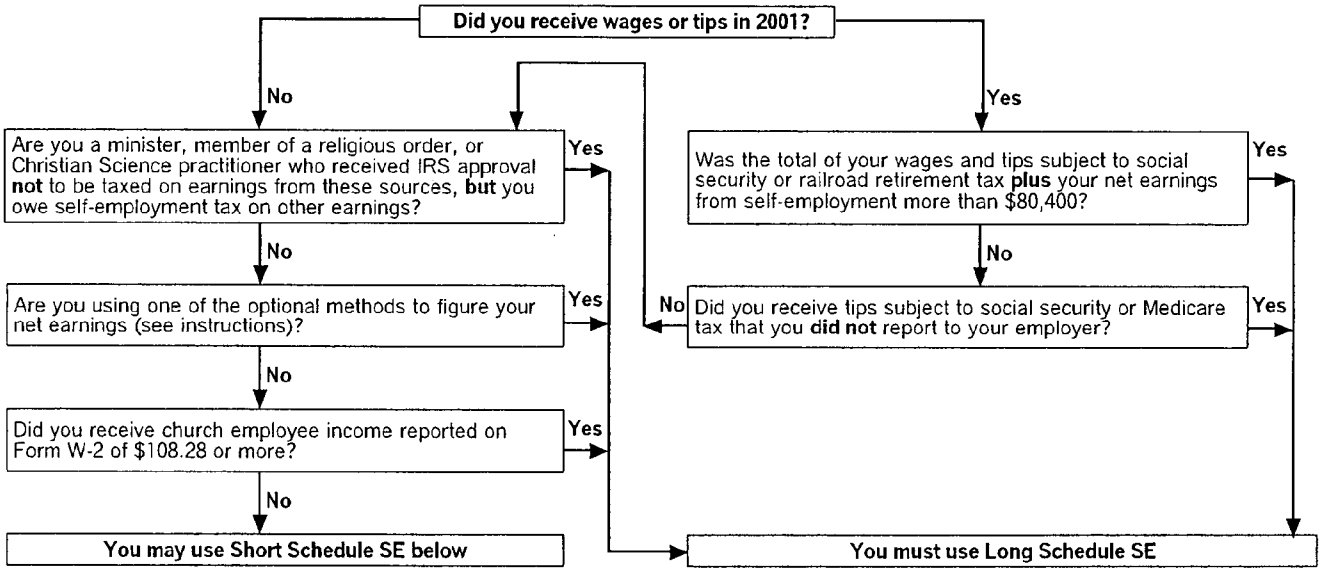
You must file Schedule SE if:

- You had net earnings from self-employment from **other than** church employee income (line 4 of Short Schedule SE or line 4c of Long Schedule SE) of $400 or more **or**
- You had church employee income of $108.28 or more. Income from services you performed as a minister or a member of a religious order **is not** church employee income. See instructions.

Note. Even if you had a loss or a small amount of income from self-employment, it may be to your benefit to file Schedule SE and use either 'optional method' in Part II of Long Schedule SE. See instructions.

Exception. If your only self-employment income was from earnings as a minister, member of a religious order, or Christian Science practitioner **and** you filed Form 4361 and received IRS approval not to be taxed on those earnings, **do not** file Schedule SE. Instead, write 'Exempt – Form 4361' on Form 1040, line 53.

May I Use Short Schedule SE or Must I Use Long Schedule SE?



Section A – Short Schedule SE. **Caution:** Read above to see if you can use Short Schedule SE.

1	Net farm profit or (loss) from Schedule F, line 36, and farm partnerships, Schedule K-1 (Form 1065), line 15a	1	
2	Net profit or (loss) from Schedule C, line 31; Schedule C-EZ, line 3; Schedule K-1 (Form 1065), line 15a (other than farming); and Schedule K-1 (Form 1065-B), box 9. Ministers and members of religious orders, see instructions for amounts to report on this line. See instructions for other income to report	2	823.
3	Combine lines 1 and 2	3	823.
4	**Net earnings from self-employment.** Multiply line 3 by 92.35% (.9235). If less than $400, **do not** file this schedule; you do not owe self-employment tax. ►	4	760.
5	**Self-employment tax.** If the amount on line 4 is: • $80,400 or less, multiply line 4 by 15.3% (.153). Enter the result here and on **Form 1040, line 53.** • More than $80,400, multiply line 4 by 2.9% (.029). Then, add $9,969.60 to the result. Enter the total here and on **Form 1040, line 53.**	5	116.
6	**Deduction for one-half of self-employment tax.** Multiply line 5 by 50% (.5). Enter the result here and on **Form 1040, line 27**	6	58.

Form **4562**

Department of the Treasury
Internal Revenue Service (99)

Depreciation and Amortization
(Including Information on Listed Property)

► See separate instructions.
► Attach this form to your return.

COPY

OMB No. 1545-0172

2001

67

Name(s) Shown on Return

RICHARD A. EAZOR

Identifying Number

184-52-5367

Business or Activity to Which This Form Relates

PART I - SUMMARY

Part I Election to Expense Certain Tangible Property Under Section 179

Note: *If you have any 'listed property,' complete Part V before you complete Part I.*

1	Maximum dollar limitation. If an enterprise zone business, see instructions	1	$24,000.
2	Total cost of Section 179 property placed in service (see instructions)	2	467.
3	Threshold cost of Section 179 property before reduction in limitation	3	$200,000.
4	Reduction in limitation. Subtract line 3 from line 2. If zero or less, enter -0-	4	0.
5	Dollar limitation for tax year. Subtract line 4 from line 1. If zero or less, enter -0-. If married filing separately, see instructions	5	24,000.

6	(a) Description of property	(b) Cost (business use only)	(c) Elected cost
	FROM SCHEDULE K-1		467.

7	Listed property. Enter amount from line 27	7	0.
8	Total elected cost of Section 179 property. Add amounts in column (c), lines 6 and 7	8	467.
9	Tentative deduction. Enter the smaller of line 5 or line 8	9	467.
10	Carryover of disallowed deduction from 2000 (see instructions)	10	0.
11	Business income limitation. Enter the smaller of business income (not less than zero) or line 5 (see instrs)	11	24,000.
12	Section 179 expense deduction. Add lines 9 and 10, but do not enter more than line 11	12	467.
13	Carryover of disallowed deduction to 2002. Add lines 9 and 10, less line 12 ►	13	0.

Note: *Do not use Part II or Part III below for listed property (automobiles, certain other vehicles, cellular telephones, certain computers, or property used for entertainment, recreation, or amusement). Instead, use Part V for listed property.*

Part II MACRS Depreciation for Assets Placed in Service Only During Your 2001 Tax Year

(**Do not** include listed property.)

Section A — General Asset Account Election

14 If you are making the election under Section 168(i)(4) to group any assets placed in service during the tax year into one or more general asset accounts, check this box. See instructions ► ☐

Section B — General Depreciation System (GDS) (See instructions)

(a) Classification of property	(b) Month and year placed in service	(c) Basis for depreciation (business/investment use only — see instructions)	(d) Recovery period	(e) Convention	(f) Method	(g) Depreciation deduction
15a 3-year property						
b 5-year property						
c 7-year property						
d 10-year property						
e 15-year property						
f 20-year property						
g 25-year property			25 yrs		S/L	
h Residential rental property			27.5 yrs	MM	S/L	
			27.5 yrs	MM	S/L	
i Nonresidential real property			39 yrs	MM	S/L	
				MM	S/L	

Section C — Alternative Depreciation System (ADS) (See instructions)

16a Class life					S/L	
b 12-year			12 yrs		S/L	
c 40-year			40 yrs	MM	S/L	

Part III Other Depreciation (**Do not** include listed property.) (See instructions)

17	GDS and ADS deductions for assets placed in service in tax years beginning before 2001	17	
18	Property subject to Section 168(f)(1) election	18	
19	ACRS and other depreciation	19	

Part IV Summary (See instructions)

20	Listed property. Enter amount from line 26	20	
21	**Total.** Add deductions from line 12, lines 15 and 16 in column (g), and lines 17 through 20. Enter here and on the appropriate lines of your return. Partnerships and S corporations — see instructions	21	
22	For assets shown above and placed in service during the current year, enter the portion of the basis attributable to Section 263A costs	22	

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STATEMENT 1
FORM 1040, LINE 21
OTHER INCOME

GENERAL MOTORS CORP 1099	$	823.
HEALTH INSURANCE		2,752.
TOTAL	$	3,575.

FORM **1040** Department of the Treasury - Internal Revenue Service **U.S. Individual Income Tax Return** **2000**

(99) IRS Use Only - Do not write or staple in this space.

For the year Jan. 1 - Dec. 31, 2000, or other tax year beginning , 2000, ending , 20 — OMB No. 1545-0074

Label (See instructions on page 19.) Use the IRS label. Otherwise, please print or type.

LABEL HERE

Your first name and initial	Last name	Your social security number
RICHARD A. EAZOR		184-52-5367
If a joint return, spouse's first name and initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see page 19.	Apt. no	▲ **IMPORTANT!** ▲ You **must** enter your SSN(s) above.
200 MAIN STREET		
City, town or post office, state, and ZIP code. If you have a foreign address, see page 19.		
BROCKWAY, PA 15824		

COPY

Presidential Election Campaign (See page 19.) **Note.** Checking "Yes" will not change your tax or reduce your refund. Do you, or your spouse if filing a joint return, want $3 to go to this fund? ▶ You ☐ Yes ☒ No Spouse ☐ Yes ☐ No

Filing Status Check only one box.

1 [X] Single
2 [ ] Married filing joint return (even if only one had income)
3 [ ] Married filing separate return. Enter spouse's soc. sec. no. above & full name here ▶
4 [ ] Head of household (with qualifying person). (See page 19.) If the qualifying person is a child but not your dependent, enter this child's name here ▶
5 [ ] Qualifying widow(er) with dependent child (year spouse died ▶). (See page 19.)

Exemptions

6a [X] **Yourself.** If your parent (or someone else) can claim you as a dependent on his or her tax return, **do not** check box 6a.
b [ ] **Spouse**

No. of boxes checked on 6a and 6b: 1

c **Dependents:**

(1) First Name Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) Chk if qualifying child for child tax credit (see page 20)

If more than six dependents, see page 20.

No. of your children on 6c who:
- lived with you
- did not live with you due to divorce or separation (see page 20)

Dependents on 6c not entered above

d Total number of exemptions claimed — Add numbers entered on lines above ▶ 1

Income Attach Forms W-2 and W-2G here. Also attach Form 1099-R if tax was withheld.

7	Wages, salaries, tips, etc. Attach Form(s) W-2	7	31,335
8a	**Taxable** interest. Attach Schedule B if required	8a	108
b	**Tax-exempt** interest. **Do not** include on line 8a. 8b		
9	Ordinary dividends. Attach Schedule B if required	9	
10	Taxable refunds, credits, or offsets of state and local income taxes (see page 22)	10	
11	Alimony received	11	
12	Business income or (loss). Attach Schedule C or C-EZ	12	
13	Capital gain or (loss). Attach Schedule D if required. If not required, check here ▶ ☐	13	
14	Other gains or (losses). Attach Form 4797	14	
15a	Total IRA distributions 15a b Taxable amount (see pg. 23)	15b	
16a	Total pensions and annuities 16a b Taxable amount (see pg. 23)	16b	
17	Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E	17	-102
18	Farm income or (loss). Attach Schedule F	18	
19	Unemployment compensation	19	
20a	Social security benefits 20a b Taxable amount (see pg. 25)	20b	
21	Other income.	21	
22	Add the amounts in the far right column for lines 7 through 21. This is your **total income** ▶	22	31,341

If you did not get a W-2, see page 21.

Enclose, but do not attach any payment. Also, please use **Form 1040-V.**

Adjusted Gross Income

23	IRA deduction (see page 27)	23	
24	Student loan interest deduction (see page 27)	24	
25	Medical savings account deduction. Attach Form 8853	25	
26	Moving expenses. Attach Form 3903	26	
27	One-half of self-employment tax. Attach Schedule SE	27	
28	Self-employed health insurance deduction (see page 29)	28	1,400
29	Self-employed SEP, SIMPLE, and qualified plans	29	
30	Penalty on early withdrawal of savings	30	
31a	Alimony paid. b Recipient's SSN ▶	31a	
32	Add lines 23 through 31a	32	1,400
33	Subtract line 32 from line 22. This is your **adjusted gross income.** ▶	33	29,941

Tax and Credits

Standard Deduction for Most People
Single: $4,400
Head of household: $6,450
Married filing jointly or Qualifying widow(er): $7,350
Married filing separately $3,675.

34	Amount from line 33 (adjusted gross income)	34	29,941
35a	Check if: ☐ **You** were 65 or older, ☐ Blind; ☐ **Spouse** was 65 or older, ☐ Blind. Add the number of boxes checked above and enter the total here ▶ 35a		
b	If you are married filing separately and your spouse itemizes deductions, or you were a dual-status alien, see page 31 and check here ▶ 35b ☐		
36	Enter your **itemized deductions** from Schedule A, line 28, **or standard deduction** shown on the left. **But** see page 31 to find your standard deduction if you checked any box on line 35a or 35b **or** if someone can claim you as a dependent	36	4,400
37	Subtract line 36 from line 34	37	25,541
38	If line 34 is $96,700 or less, multiply $2,800 by the total number of exemptions claimed on line 6d. If line 34 is over $96,700, see the worksheet on page 32 for the amount to enter	38	2,800
39	**Taxable income.** Subtract line 38 from line 37. If line 38 is more than line 37, enter -0-	39	22,741
40	**Tax** (see page 32). Check if any tax is from **a** ☐ Form(s) 8814 **b** ☐ Form 4972	40	3,409
41	Alternative minimum tax. Attach Form 6251	41	
42	Add lines 40 and 41 ▶	42	3,409
43	Foreign tax credit. Attach Form 1116 if required	43	
44	Credit for child and dependent care expenses. Att. Form 2441	44	
45	Credit for the elderly or the disabled. Attach Schedule R	45	
46	Education credits. Attach Form 8863	46	
47	Child tax credit (see page 36)	47	
48	Adoption credit. Attach Form 8839	48	
49	Other. Check if from **a** ☐ Form 3800 **b** ☐ Form 8396 **c** ☐ Form 8801 **d** ☐ Form (specify)	49	
50	Add lines 43 through 49. These are your **total credits**	50	
51	Subtract line 50 from line 42. If line 50 is more than line 42, enter -0- ▶	51	3,409

Other Taxes

52	Self-employment tax. Att. Sch. SE	52	
53	Social security and Medicare tax on tip income not reported to employer. Attach Form 4137	53	
54	Tax on IRAs, other retirement plans, and MSAs. Attach Form 5329 if required	54	
55	Advance earned income credit payments from Form(s) W-2	55	
56	Household employment taxes. Attach Schedule H	56	
57	Add lines 51 through 56. This is your **total tax** ▶	57	3,409

Payments

If you have a qualifying child, attach Schedule EIC.

58	Federal income tax withheld from Forms W-2 and 1099	58	4,113
59	2000 estimated tax payments and amount applied from 1999 return	59	
60a	**Earned income credit (EIC)**	60a	
b	**Nontaxable earned income: amt.** ▶ and type ▶ NO		
61	Excess social security and RRTA tax withheld (see page 50)	61	
62	**Additional child tax credit. Attach Form 8812**	62	
63	**Amount paid with request for extension to file** (see page 50)	63	
64	Other payments. Check if from **a** ☐ Form 2439 **b** ☐ Form 4136	64	
65	Add lines 58, 59, 60a, and 61 through 64. These are your **total payments** ▶	65	4,113

Refund

Have it directly deposited! See page 50 and fill in 67b, 67c, and 67d.

66	If line 65 is more than line 57, subtract line 57 from line 65. This is the amount you **overpaid**	66	704
67a	Amount of line 66 you want **refunded to you** ▶	67a	704
b	Routing number ▶ c Type: ☐ Checking ☐ Savings		
d	Account number		
68	Amount of line 66 you want **applied to your 2001 estimated tax** ▶	68	

Amount You Owe

69	If line 57 is more than line 65, subtract line 65 from line 57. This is the **amount you owe.** For details on how to pay, see page 51 ▶	69	
70	Estimated tax penalty. Also include on line 69	70	

Sign Here

Joint return? See page 19. Keep a copy for your records.

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation	Daytime phone number
		MANAGER	
Spouse's signature. If a joint return, bothboth must sign.	Date	Spouse's occupation	May the IRS discuss this return with the preparer shown below? (see page 52)? ☒ Yes ☐ No

Paid Preparer's Use Only

Preparer's signature		Date 4/11/01	Check if self-employed ☒
Firm's name (or yours if self-employed), address, and ZIP code	CLYDE, FERRARO & CO., LLP RR#3 BOX 265 DUBOIS, PA 15801	EIN 25-1669808	Preparer's SSN or PTIN 173-34-2820
		Phone no. (814) 371-2141	

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Name(s) shown on Form 1040. Do not enter name and social security number if shown on other side.

RICHARD A. EAZOR

Your social security number: 184-52-5367

Schedule B – Interest and Ordinary Dividends

Attachment Sequence No. 08

COPY

Part I Interest

(See page B-1 and the instructions for Form 1040, line 8a.)

Note. If you had over $400 in taxable interest, you must also complete Part III.

Note. If you received a Form 1099-INT, Form 1099-OID, or substitute statement from a brokerage firm, list the firm's name as the payer and enter the total interest shown on that form.

			Amount
1	List name of payer. If any interest is from a seller-financed mortgage and the buyer used the property as a personal residence, see page B-1 and list this interest first. Also, show that buyer's social security number and address ▶ DICK EAZOR CHEVROLET-PONTIAC, INC.	1	108
2	Add the amounts on line 1.	2	108
3	Excludable interest on series EE and I U.S. savings bonds issued after 1989 from Form 8815, line 14. You **must** attach Form 8815	3	
4	Subtract line 3 from line 2. Enter the result here and on Form 1040, line 8a ▶	4	108

Part II Ordinary Dividends

(See page B-1 and the instructions for Form 1040, line 9.)

Note. If you had over $400 in ordinary dividends, you must also complete Part III.

Note. If you received a Form 1099-DIV or substitute statement from a brokerage firm, list the firm's name as the payer and enter the ordinary dividends shown on that form.

			Amount
5	List name of payer. Include only ordinary dividends. If you received any capital gain distributions, see the instructions for Form 1040, line 13. ▶	5	
6	Add the amounts on line 5. Enter the total here and on Form 1040, line 9 ▶	6	0

Part III Foreign Accounts and Trusts

(See page B-2.)

You must complete this part if you **(a)** had over $400 of interest or ordinary dividends; **(b)** had a foreign account; or **(c)** received a distribution from, or were a grantor of, or a transferor to, a foreign trust.

		Yes	No
7a	At any time during 2000, did you have an interest in or a signature or other authority over a financial account in a foreign country, such as a bank account, securities account, or other financial account? See page B-2 for exceptions and filing requirements for Form TD F 90-22.1		X
b	If "Yes," enter the name of foreign country ▶		
8	During 2000, did you receive a distribution from, or were you the grantor of, or transferor to, a foreign trust? If "Yes," you may have to file Form 3520. See page B-2		X

Name(s) shown on return. Do not enter name and social security number if shown on other side.

RICHARD A. EAZOR

COPY

Your social security number: 184-52-5367

Note: If you report amounts from farming or fishing on Schedule E, you must enter your gross income from those activities on line 41 below. Real estate professionals must complete line 42 below.

Part II Income or Loss From Partnerships and S Corporations

If you report a loss from an at-risk activity, you **must** check either column **(e)** or **(f)** on line 27 to describe your investment in the activity. See page E-5. If you check column **(f)**, you must attach **Form 6198.**

27	(a) Name	(b) Enter P for partnership; S for S corp.	(c) Check if foreign partnership	(d) Employer identification number	Invest. At Risk? (e) All is at risk	(f) Some is not at risk
A	DICK EAZOR CHEVROLET-PONTIAC, INC.	S		25-1247619		X
B						
C						
D						
E						

	Passive Income and Loss		Nonpassive Income and Loss		
	(g) Passive loss allowed (attach Form 8582 if required)	(h) Passive income from Schedule K-1	(i) Nonpassive loss from Schedule K-1	(j) Section 179 expense deduction from Form 4562	(k) Nonpassive income from Schedule K-1
A			102		
B					
C					
D					
E					
28a	Totals				
b	Totals		102		

29	Add columns (h) and (k) of line 28a	29	
30	Add columns (g), (i), and (j) of line 28b	30	(102)
31	Total partnership and S corporation income or (loss). Combine lines 29 and 30. Enter the result here and include in the total on line 40 below	31	-102

Part III Income or Loss From Estates and Trusts

32	(a) Name	(b) Employer ID number
A		
B		
C		
D		

	Passive Income and Loss		Nonpassive Income and Loss	
	(c) Passive deduction or loss allowed (attach Form 8582 if required)	(d) Passive income from Schedule K-1	(e) Deduction or loss from Schedule K-1	(f) Other income from Schedule K-1
A				
B				
C				
D				
33a	Totals			
b	Totals			

34	Add columns (d) and (f) of line 33a	34	
35	Add columns (c) and (e) of line 33b	35	( )
36	Total estate and trust income or (loss). Combine lines 34 and 35. Enter the result here and include in the total on line 40 below	36	

Part IV Income or Loss From Real Estate Mortgage Investment Conduits (REMICs) – Residual Holder

37	(a) Name	(b) Employer identification number	(c) Excess inclusion from Schedules Q, line 2c (see page E-6)	(d) Taxable income (net loss) from Schedules Q, line 1b	(e) Income from Schedules Q, line 3b

38	Combine columns (d) and (e) only. Enter the result here and include in the total on line 40 below	38	

Part V Summary

39	Net farm rental income or (loss) from **Form 4835.** Also, complete line 41 below	39	
40	**Total** income or (loss). Combine lines 26, 31, 36, 38, and 39. Enter the result here and on Form 1040, line 17 ▶	40	-102
41	**Reconciliation of Farming and Fishing Income:** Enter your **gross** farming and fishing income reported on Form 4835, line 7; Schedule K-1 (Form 1065), line 15b; Schedule K-1 (Form 1120S), line 23; and Schedule K-1 (Form 1041), line 14 (see page E-6)	41	
42	**Reconciliation for Real Estate Professionals.** If you were real estate professional (see pg. E-4), enter net income or (loss) you reported anywhere on Form 1040 from all rental real estate activities in which you materially participated under passive activity loss rules.	42	

Form **6198**

Department of the Treasury
Internal Revenue Service

At-Risk Limitations COPY

▶ **Attach to your tax return.**
▶ **See separate instructions.**

OMB No. 1545-0712

2000

Attachment Sequence No. **31**

Name(s) shown on return: RICHARD A. EAZOR

Identifying number: 184-52-5367

Description of activity (See page 2 of the instructions)

DICK EAZOR CHEVROLET-PONTIAC, INC.

Part I Current Year Profit (Loss) From the Activity, Including Prior Year Nondeductible Amounts. (See instructions.) Enter losses in parentheses.

1	Ordinary income (loss) from the activity. See page 2 of the instructions	1	-1,019
2	Gain (loss) from the sale or other disposition of assets used in the activity (or of your interest in the activity) that you initially report on:		
a	Schedule D	2a	
b	Form 4797	2b	
c	Other form or schedule	2c	
3	Other income or gains from the activity, from Schedule K-1 of Form 1065, Form 1065-B, or Form 1120S, that were not included on lines 1 through 2c	3	108
4	Other deductions or losses from the activity, including investment interest expense allowed from Form 4952, that were not included on lines 1 through 3	4	(60)
5	Current year profit (loss) from the activity. Combine lines 1 through 4. See page 3 of the instructions before completing the rest of this form	5	-971

Part II Simplified Computation of Amount At Risk (See page 3 of the instructions to find out if you may use this part.)

6	Adjusted basis (as defined in section 1011) in the activity (or in your interest in the activity) on the first day of the tax year. Do not enter less than zero	6	0
7	Increases for the tax year. See page 4 of the instructions	7	
8	Add lines 6 and 7	8	0
9	Decreases for the tax year. See page 4 of the instructions	9	
10a	Subtract line 9 from line 8 ▶ 10a: 0		
b	If line 10a is **more** than zero, enter that amount here and go to line 20 (or complete Part III). Otherwise, enter -0- and see **Pub. 925** for information on the recapture rules	10b	0

Note: You may want to complete Part III to see if it gives you a larger amount at risk.

Part III Detailed Computation of Amount At Risk
(If you completed Part III of Form 6198 for 1999, see page 4 of the instructions.)

11	Investment in the activity (or in your interest in the activity) at the effective date. Do not enter less than zero	11	
12	Increases at effective date	12	
13	Add lines 11 and 12	13	
14	Decreases at effective date	14	
15	Amount at risk (check box that applies):		
a	☐ At effective date. Subtract line 14 from line 13. Do not enter less than zero.	15	
b	☐ From 1999 Form 6198, line 19b. (Do not enter the amount from line 10b of the 1999 form.)		
16	Increases since (check box that applies):		
a	☐ Effective date b ☐ The end of your 1999 tax year	16	
17	Add lines 15 and 16	17	
18	Decreases since (check box that applies):		
a	☐ Effective date b ☐ The end of your 1999 tax year	18	
19a	Subtract line 18 from line 17 ▶ 19a		
b	If line 19a is **more** than zero, enter that amount here and go to line 20. Otherwise, enter -0- and see **Pub. 925** for information on the recapture rules	19b	

Part IV Deductible Loss

20	**Amount at risk.** Enter the **larger** of line 10b or line 19b.	20	0
21	**Deductible loss.** If line 20 is zero, enter -0-; you do not have a deductible loss this year. Otherwise, enter the **smaller** of the line 5 loss (treated as a positive number) or line 20. See page 8 of the instructions to find out how to report any deductible loss and any carryover	21	(0)

Note: If the loss is from a passive activity, see **Form 8582,** Passive Activity Loss Limitations, or **Form 8810,** Corporate Passive Activity Loss and Credit Limitations, to find out if the loss is allowed under the passive activity rules. If only part of the loss is subject to the passive activity loss rules, report only that part on Form 8582 or Form 8810, whichever applies.

CLIENT 0236B RICHARD A. EAZOR 184-52-5367

4/10/01 07:35PM

COPY

ACTIVITY NAME: DICK EAZOR CHEVROLET-PONTIAC, INC.

	TOTAL LOSS	DEDUCTIBLE LOSS	AT-RISK CARRYOVER
ORDINARY LOSS	1,019	102	917
CHARITABLE CONTRIBUTIONS	60	6	54
TOTALS	1,079	108	971

DUBOIS REGIONAL MEDICAL CENTER — MEDICAL RECORDS

Seen in ER past 48 hrs? [ ] — Sun Oct 06 04:50 EST 2002

PATIENT

NAME AND ADDRESS	REGISTRATION DATE	TIME	ORG DNR	MED. REC. NO.	BILLING NO.
EAZOR,RICHARD 200 MAIN STREET BROCKWAY PA 15824 COUNTY 025 PA	10/06/02	04:50		359069	0227900064

AGE	BIRTH DATE	METHOD ARRIVAL	SEX	RACE	M.S.
43Y	06/29/59	4 AMBULANCE	M	1	S

RELIGION	P.T.	FIN.CL.	ADMIT BY
	ER	AU	JMZ

TELEPHONE NO. (814)268-3375 S.S. NO. 184-52-5367

EMPLOYER, ADDRESS, OCCUPATION, PHONE
DICK EAZORS CHEVY IN
OWNER/OPERATOR BROCKWAY PA RETIREMENT DATE:

ICD-9-CM/CPT4 CODES

PT/PT REPRESENTATIVE STATES SYMPTOMS OR ACCIDENT - HOW, WHERE, WHEN
MVA 10/06/02

RCRD OF PNEUMOVAX?

STAFF ALERT

PERSON TO NOTIFY IN CASE OF EMERGENCY
EAZOR,J RICHARD 757 MAPLE ST BROCKWAY PA(814)265-0497 F

RELATIONSHIP
FATHER

RESP PARTY

NAME AND ADDRESS	TELEPHONE	REL	EMPLOYER NAME AND ADDRESS
EAZOR,RICHARD SELF 200 MAIN STREET BROCKWAY PA 15824	(814)268-3375 OWNER/OPERAT SOC.SEC.# 184-52-5367		DICK EAZORS CHEVY IN BROCKWAY PA 15824

INS

INSURANCE COMPANY	PLAN	POLICY HOLDER	REL	POLICY #	GROUP #
AUTO INSURANCE	350001	EAZOR,RICHARD	1		999999
AUTO INSURANCE PROF	350002	EAZOR,RICHARD			999999
BLUE CROSS 363	100001	EAZOR,RICHARD		ZAX184525367	002764000

E.R. PHYSICIAN	FAMILY PHYSICIAN	REFERRING PHYSICIAN
PALMER,GEORGE JR	DEVLIN,JAMES E	DEVLIN,JAMES E

NOTE: This report is strictly Confidential and is for the information only of the person to whom it is addressed. He is responsible that it is not copied if it is made available to any other person, INCLUDING THE PATIENT

EXHIBIT D

359069 43Y
EA[illegible]OR,RICHARD
F[illegible]ER,GEORGE JR
06/29/59 M 10/06/02
184-52-5367 0227900064

DUBOIS REGIONAL MEDI[illegible] CENTER
CONSENT FOR TREATMENT
Outpatient, Emergency, Observation, Ambulatory Surgery, Inpatient

DATE _____ TIME _____ A.M. P.M.

_____, (or _____
or _____) have presented myself (or _____
_____) for registration to the DuBois Regional Medical Center and consent to diagnostic procedures and medical care and/or treatments as prescribed by the physician in charge, his assistants, or his designees as is necessary in his judgment. I understand that this consent does not include operations or any non-routine procedures or treatments, and that the risks and alternatives for such procedures or treatment, which a reasonable patient would consider significant to a decision whether or not to undergo such treatment or procedures, will be explained to me by my treating physician or another physician designated by him.

I am aware that the practice of medicine and surgery is not an exact science and acknowledge that no guarantees have been made to me as to the results of treatments or examinations in the Medical Center.

I understand that DuBois Regional Medical Center is affiliated with various medical educational programs and that those involved in these training/educational programs may be participating in my care, and I hereby consent to such participation by those persons.

If I am admitted to the hospital, I give consent for my name to be published in the newspaper. YES _____ NO _____

_____ Code S
Witness Signature of Patient

Patient is unable to consent for the following reason: _____

_____

_____

_____ _____
Witness Signature of Patient Representative

_____
(Relationship)

RELEASE FROM RESPONSIBILITY FOR DISCHARGE DATE _____ TIME _____ A.M. P.M.

I am leaving (or taking _____) from the DuBois Regional Medical Center against the advice of my physician. I have been informed of the risks involved in this decision. I hereby release the DuBois Regional Medical Center, its staff, and my physician from all responsibility for any ill effects which may result from this action.

WITNESS _____ _____
Signature of patient/patient representative

_____ _____
(Relationship)

Addendum I

HW-031
H:\SHARING\NSFORM97.DEATHSUM.DOC

359069 02279 64 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

DUBOIS REGIONAL MEDICAL CENTER
DUBOIS, PENNSYLVANIA
Death Summary Sheet
Permission for Release of Body

CHECKLIST	YES	NO	DNA	TIME	BY WHOM
CORE notified (on all deaths)	✓			0545	Kathy Stephan RN - supervis
Certification of referral/request for anatomical donation completed	✓				Family Refused.
Obtain permission for release	✓			0515	Kathy Stephan RN
Physician request for autopsy		✓			—
Obtain permission for autopsy		✓			—
Body prepared (HOB elevated 30-45 for eye donors)	✓			0540	Vicki Page RN
Body taken to morgue (Notify Security to maintain head elevation)	✓			0650	Vicki Page RN
Body picked up on nursing unit	✓			0650	Vicki Page RN
Notification of:					
Pastoral Care		✓			None wanted by family
Physician	✓				Vicki Page RN
Family	✓			0510	Dr. Palmer
Nursing Supervisor	✓			0505	Vicki Page RN
Coroner	✓			0540	Pam Haag LPN
Funeral Director (ASAP after death)	✓			0650	Kathy Stephan RN
Pathologist (If autopsy)	✓			0700	Coroner
Switchboard	✓			0505	Vicki Page RN
Admissions	✓			0505	Vicki Page RN
Nursing/Personal Care Home			✓		—
Death certificate completed by physician or coroner	✓				Vicki Page RN

VALUABLES *(Please list separately)* ***VALUABLES GIVEN TO:*** *(NAME)*

none found.

Vicki Page RN — 10/6/02 (Date) — 0650 (Time)

Signature of Discharging Nurse

I hereby authorize the DuBois Regional Medical Center to release the body of Richard Eazor to a funeral home representative from Global - Barnick Funeral Home.

Verbal permission from family / Vicki Page RN / Kathy Stephan RN — 10-6-02 — 0556

Signature of Responsible Party — **Relationship to Patient** — **Date** — **Time**

STATEMENT OF RECEIPT OF BODY

I have received the body of Richard Eazor from the DuBois Regional Medical Center.

I have received the above listed valuables: Yes ☒ No ☒

Date: 10-6-02 *Time:* 9:45 AM

Coroners Office — Hank Feldmann

Signature of ~~Funeral Home~~ Representative — **Name of Funeral Home/Location**

Isolation precautions *Yes*____ ***Infective material*** —

*No*____

10/87, 2/89, 1/90, 4/92, 4/94 Revised: #1 8/91 #2 9/16/93 #3 5/95 #4 7/5/95 #5 11/10/99sag

Addendum I ER Policy# 54 and ADM-Death Of A Patient

DuBois Regional Medical Center
Making the difference for life

HW-65

CERTIFICATE OF REFERRAL/REQUEST FOR ANATOMICAL DONATIONS

In compliance with The Pennsylvania UAGA, HCFA-30050F, in DuBois Regional Medical Center's Policy for anatomical donations, this form must be Completed on all deaths and included as part of the Patient's permanent medical record.

ADDRESSOGRAPH

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

SECTION I:

A. All patients who expire or whose death is imminent must be screened by CORE to determine medical suitability for donation prior to the patient's attorney-in-fact or legal next-of-kin being approached. **Call CORE AT 1-800-366-6777.**

B. **REFERRAL TO CORE:**
Referred to **CORE** by: Kathy Stephan RN Date of Referral: 10-06-02
Time of Referral: 0548 Name of CORE Staff: MARK Rothrock

C. **PROVIDE THE FOLLOWING INFORMATION TO CORE:**
1. Patient's name and identifier number (medical record number) Richard EAZOR
2. Hospital floor/unit: ER
3. Patient's Age/Sex: 43 / Male
4. Date and time of death: 10/06/02 0506
5. Cause of Death: MULTIPLE CHEST TRAUMA
6. Called as: ✓ Actual Death ____ Imminent Death

D. **SCREENING FOR SUITABILITY BY CORE REPRESENTATIVE:**
☐ Patient **does not meet** criteria for ANY donation per CORE: ***(Check one)***
☐ Age ☐ Medically Unsuitable ☐ M.E./Coroner Refused ☐ Other
☐ **If calling as an imminent death and patient does not meet criteria, please call at actual time of death.**

E. **PATIENT MEETS PRELIMINARY CRITERIA FOR DONATION PER CORE (*check all that apply*)**
☐ Organ(s) ☐ Tissue(s) ☑ Eyes/Corneas ☐ Other_____ ☐ Research Only
☐ **If calling as an imminent death and patient meets preliminary criteria for organ donation, please call with any changes in patient's status or before disconnecting the ventilator.**

SECTION II: THIS SECTION MUST BE COMPLETED FOR ALL SUITABLE DONORS

A.1. **CONSENT WAS NOT REQUIRED AS EVIDENCED BY DOCUMENT OF GIFT:**
(Attach copy of Document of Gift in patient's record)
☐ Validity Executed Donor Card ☐ Driver's License Donor Designation
☐ Advance Directive Regarding Donation ☐ Other Document of Gift

A.2. **CONSENT NOT REQUEST DUE TO ACTUAL NOTICE OF OBJECTION TO DONATION FROM:**
☐ Advance Directive ☐ Attorney-In-Fact (Name):_____
☐ Legal Next-Of-Kin (Name):_____

B. **CONSENT REQUESTED OF LEGAL NEXT-OF-KIN BY:**
☒ CORE Coordinator (Name): Roy Hill - CORE COORDINATOR

C. ☐ **Consent Given*** ☒ **Consent Denied**/EXPLAIN: CORE COORDINATOR CONTACTED FAMILY CANDY EAZOR WHOM DECLINED CORE. REFUSAL

*If consent is given to the CORE Coordinator or CORE Certified Designated Requestor, a separate consent form must be signed denoting which anatomical gifts have been donated and placed in the patient's medical record.

Page 1

SECTION III:

Person completing this form: KATHY STEPHAN RN / SUPERVISOR
Name/Credentials/Title

Today's Date and Time: 10-06-02 0611

\SHARING\NURSADMIN\FORMS\ERDEPARTMENTRECORD.DOC 11/9/ sed: #1 10/24/01SAG

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

DuBois Regional Medical Center
Making the difference for life

EMERGENCY DEPARTMENT RECORD Page 1 of 7

Time: 0505 ☒ Emergent ☐ Urgent ☐ Nonurgent

CONDITION ON ARRIVAL: ☐ Poor ☐ Fair ☐ Satisfactory ☒ DOA

CHIEF COMPLAINT: MVA - DOA.

VITAL SIGNS	Temp	Pulse	Resp	BP	Pain Scale /10	O_2 Sat	WT

ALLERGIES: unknown.

CURRENT MEDS: ☐ See attached list unknown

IMMUNIZATIONS: ☒ DNA ☐ UP TO DATE LAST TT/TD: _____

VISUAL ACUITY ☒ DNA | OD | OS | OU | ☐ CORRECTED ☐ UNCORRECTED

PT. PREGNANT? ☒ DNA ☐ YES ☐ NO ☐ UNSURE ☐ HYSTERECTOMY ☐ TUBAL LIGATION
LMP _____

TRIAGE TO ☐ Registration Bed 12 | Triage Nurse:

Primary Nurse: Vicki Page RN

CHECK THE REQUESTED STUDIES

☐ CBC/AutoDiff/Platelet	☐ Troponin	☐ Monospot	☐ Triage Drug Screen
☐ CBC/Platelet	☐ PT/PTT	☐ RSS	☐ Acetaminophen Level
☐ CBC		☐ RSV	☐ ASA Level
	☐ Pregnancy	☐ C&S	☐ ETOH
☐ Basic Met. Prof.	☐ Chlamydia/GC (DNA probe)	☐ Blood C&S _____	
☐ Compre profile	☐ Wet Mount		☐ Digoxin Level
☐ Amylase	☐ UA w/Microscopic	☐ Type and Screen	☐ Dilantin Level
☐ Lipase	☐ UA w/o Microscopic	☐ Type and Cross ____	☐ Phenobarb Level
☐ Hepatic Prof.	☐ UC		☐ Tegretol Level
☐ Renal Funct. Prof.			☐ Valproic Acid Level
☐ Magnesium			☐

EKG
☐ EKG: Provisional Reading:
☐ Repeat

CARDIO
☐ ABG ☐ on O_2 ☐ on Room Air
☐ Proventil _____ ☐ Repeat _____ ☐ Repeat _____
☐ Proventil _____ Atrovent _____ ☐ Repeat _____ ☐ Repeat _____
☐ Vaponephrine _____ ☐ Repeat _____ ☐ Repeat _____
☐ Other _____ ☐ Repeat _____ ☐ Repeat _____
☐ Peak Flows

X-RAY + SPECIAL
☐ Chest ☐ _____ ☐ CT _____
☐ Portable Chest ☐ _____ ☐ Enhanced
☐ Port Lat C Spine ☐ _____ ☐ Unenhanced
☐ C Spine ☐ _____ ☐ _____
☐ LS Spine ☐ _____ ☐ _____

PHYSICIAN REPORT

Dictated

EXAM TIME:

DX ORDERS

IVF: _____
O_2 _____ DT: _____
Monitoring: ☐ Telemetry ☐ Cardiac monitor ☐ Pulse ox
Accucheck ☐ Foley ☐ Stool Hemoccult ☐ Crutches ☐ ☐ Splint: _____
Meds:

DISPOSITION OF PATIENT AND PATIENT INSTRUCTIONS

Condition **Satisfactory** **Fair** **Poor** 0650 WITH:

☐ Admitted Room No: ☐ Physician Notified/Time:
☐ Sent Home ☐ Return to work ☐ Deceased ☐ Transferred
NOTIFIED: ☒ Relative ☒ Police ☒ Coroner ☐ Poison Center

For follow-up care please see: ☐ Personal physician ☐ Occupational medicine ☐ ER if worse or not improving

FOLLOW INSTRUCTIONS ON ☐ HEAD INJURY ☐ CULTURE ☐ STREP SCREEN ☐ LAB TEST ☐ X-RAY/EKG'S ☐ SPRAINS, STRAINS AND CONTUSIONS ☐ NOSEBLEEDS ☐ U.R.I. ☐ WOUND CARE AND BURN CARE ☐ GASTROENTERITIS AND/OR ABDOMINAL PAIN ☐ ALLERGY INJ. ☐ URINARY INFECTIONS ☐ CARE OF CHILD AND FEVER ☐ ANIMAL BITES ☐ CASTS ☐ EYE CARE ☐ TETANUS INJECTION ☐ MEDICATION ALERT ☐ MEDICATION USE

OTHER INSTRUCTION: DOA

☐ No Work or School ☐ No Physical Education ☐ Light Work Only Date: _____ ☐ Until Released by Physician

PATIENT/ RESPONSIBLE PARTY | NURSE'S SIGNATURE Vicki Page RN | PHYSICIAN'S SIGNATURE

I hereby acknowledge receipt of these instructions, have read them and understand them. I further understand that I have had emergency treatment and that I may be released before all of my medical conditions/test results are known or treated. I will arrange for follow-up care. DuBois Regional Medical Center-DuBois, PA 15801

CHART COPY

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

DuBois Regional Medical Center
Making the difference for life.

Emergency Department Record Page 7 of 7

Time	IV Fluid/cc/Medication Added	Rate	Size/Site	Amount Infused	Time D/C	Initials

Time	Medication/Dose	Route	Site	#/Dispensed by Physician	Time/Effect Code	Initials

Effect Code: Pain scale 0-10 **Ø = No adverse effects**

Wound Care: _____ ☐AM ☐PM
- ☐ NSS Irrigation
- ☐ Soap and water
- ☐ Other_____
- ☐ Dry Dressing
- ☐ Triple Antibiotic dressing
- ☐ Steri strips

GU: _____ ☐AM ☐PM
- ☐ Minicath
- ☐ Straight cath_____
- ☐ Foley catheter_____
- ☐ Coude_____
- ☐ No difficulty
- ☐ Specimen to lab
- ☐ Initial output_____
- ☐ Irrigation with_____
- ☐ Other_____

Assist with ADLS:
- ☐ Bed pan
- ☐ Bedside Commode
- ☐ Bath room
- ☐ Dressing
- ☐ Meal
- ☐ Hair washed
- ☐ Other:

Immobilizations, etc. _____ ☐AM ☐PM
- ☐ Immobilizations removed _____
- ☐ OCL to _____
- ☐ Ace _____
- ☐ Sling _____
- ☐ Crutches/walker_____
  - ☐ by PT_____
  - ☐ return demo_____
- ☐ Knee immobilizer _____
- ☐ Ice Pack _____
- ☐ Other: _____

Eye Care: _____ ☐AM ☐PM
- ☐ NSS irrigation_____
- ☐ Morgan lens irrigation with _____
- ☐ Fleurostrip _____

GI: _____ ☐AM ☐PM
- ☐ Salem Sump _____
- ☐ NG
- ☐ Lavage
- ☐ Verify placement
- ☐ Other: _____

Review: ☐ Old Records

☐ Labs drawn by nurse

Hemoccult _____ ☐AM ☐PM
☐ Positive ☐ Negative

Accuchek _____ ☐AM ☐PM

TOTAL I & O
I: po_____ I.V. _____
O:_____ _____

Other:

Signature: Vicki Pagen VP **Initials** **Signature:** _____ **Initials:**

H:\SHARING\NURSADMIN\FORMS\ERDEPARTMENTRECORD.PUB 9/28/00SAG

DuBois Regional Medical Center

EMERGENCY DEPARTMENT RECORD Page 2 of 7

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

TIME: 0505 AM

Mode of Arrival	Arrived with	Self Care
☒ Ambulance ☐ W.C.	☐ Self ☐ Police	☒ Independent
☐ Ambulatory ☐ Carried	☐ Parent ☐ Friend	☐ Total Assist
Gait: ☐ Steady	☐ Spouse ☐ Delegate	☐ Partial Assist
☐ Unsteady	☐ Family ☒ EMS	☐ Child

Safety Measures
☒ Siderails up ☐ Family at bedside
☐ Call Bell ☐ Security present

Environmental
Lives with: ☐ Self ☐ Spouse
☐ Family ☒ Other S/O
Language barrier ☐
Translator _____

Psychosocial
Overall appearance: ☐ Normal ☐ Frail ☐ Obese
Mood/affect: ☐ Alert ☐ Anxious ☐ Crying
☐ Cooperative ☐ Blunted/flat ☐ Lethargic
☐ Age appropriate ☐ Combative ☐ Confused
☐ Unresponsive ☐ Uncooperative
Ideations: ☐ Suicidal ☐ homicidal ☐ Violent ☒ Other: DOA

Trauma/Accidents ☐ DNA
☐ Driver ☐ Passenger ☐ Front ☐ Back
☐ Seat Belt on ☐ Air bag deployed unknown
Type: ☒ Car ☐ Truck ☐ Motorcycle
☐ Bicycle ☐ _____
Impact: ☐ Front ☐ Back
☐ Rollover ☐ Side unknown
☐ Helmet ☐ Protective Clothing
Time of incident: PTA
Extrication needed ☐ Yes ☒ No
☐ Fall (_____feet) ☐ GSW
☐ Assault ☐ Other _____

Prehospital Care / Treatment ☐ DNA
☐ LSB ☐ CID ☐ Stiff collar
☒ IV of LOCK # 18g at _____ in RAC
☐ IV of _____ # _____ at _____ in _____
☐ Accuchek _____
☐ Meds: CPR
☐ Splints _____ ☐ _____
O_2 ☐ NC Simple ☐ Non-Rebreather
Airway: ☒ Oral ☐ Nasopharyngeal
☐ ETT _____ ☐ EOA

PMH: ☐ DNA
☐ NONE ☒ Unable to obtain DOA
☐ CHF
☐ MI
☐ CAD
☐ Cardiac Cath
☐ Hypertension
☐ Diabetes
☐ Asthma/COPD
☐ Seizures
☐ Cancer
☐ Stroke
☐ Dementia
☐ Mental Illness
☐ Ulcers
☐ GI Bleed
☐ Renal Disease
☐ Reflux/GERD
☐ _____
☐ _____

Surgeries:
☐ Angioplasty
☐ CABG
☐ Hysterectomy
☐ Appendectomy
☐ Hernia
☐ Gall Bladder
☐ T & A
☐ _____

Alcohol use: ☐YES ☐NO
Tobacco use: ☐YES ☐NO
Caffeine use: ☐YES ☐NO
Recreational drug use: ☐YES ☐NO

Airway
☐ Clear/Patent ☐ Endotracheal tube
☐ Adjuncts: ☒ oral airway ☐ nasal airway

Breathing
☐ Normal ☐ Dyspneic ☐ Grunting
☐ Stridor ☐ Nasal flaring ☐ Retractions
☐ Accessory muscles ☒ Absent
☐ _____ ☐ Rapid
Cough: ☐ Non productive ☐ Productive
Breath Sounds: Color of Sputum: _____
☐ Not assessed / DNA

Right	Left
☐ Clear	☐
☐ Rales/crackles	☐
☐ Rhonchi/Coarse	☐
☐ Wheeze	☐
☐ Diminished	☐
☒ Absent	☒
☐ Tracheal Deviation	☐
☐ JVD	☐

Circulation
Color: ☐ Normal ☐ Pale
☒ Mottled ☒ Cyanotic
☐ Ashen ☐ Jaundice
☐ Sallow ☐ _____
Condition: ☐ Warm ☐ Dry
☐ Cool ☐ Moist
☐ Hot ☐ Cold

Pulses:	Right	Left	☐ DNA
Radial	☐	☐	
Normal	☒	☐	
Thready	☐	☐	
Bounding	☐	☐	
Absent	☒	☒	
Pedal			
Normal	☐	☐	
Thready	☐	☐	
Bounding	☐	☐	
Absent	☒	☒	

Capillary refill: ☐ <2 seconds ☐ >2 seconds

Monitors/Equipment
Oxygen: 2, 3, 4, 6, 10 _____ LPM Time _____
☐ NC ☐ Mask ☐ Non-rebreather
Other: _____ Time _____
☐ BP Monitor Time _____
☐ Pulse oximeter _____ % Time _____
☐ on room air
☒ Cardiac monitor Time _____
Rhythm: Asystole
☐ Pacemaker
SEE STRIPS/PRINT OUTS

Pain
Pain Level now: _____/10 (0-10)
Pain in past weeks/months: ☐ Yes ☐ No
Worst pain: _____/10
Pain goal: _____/10
Location: _____
(Use body diagram page 3)
Onset/duration: _____
Quality: (patients words)
☐ sharp ☐ stabbing ☐ numb
☐ dull ☐ shooting ☐ tingling
☐ heavy ☐ squeezing ☐ aching
Other: _____
Frequency:
☐ constant ☐ 2-3 times a week
☐ daily other: _____
☐ once a week _____
Pattern:
☐ intermittent ☐ with movement
☐ constant ☐ other: _____
☐ after meals _____
Aggravating factors:
☐ movement ☐ hot/cold
☐ eating ☐ exercise
☐ fatigue ☐ other: _____
☐ repetition
Alleviating Factors:
☐ rest ☐ diversion ☐ elevation
☐ repetition ☐ heat/cold ☐ nothing
Response to Home Interventions:
☐ Pain Free ☐ Normal ☐ Improved ☐ Worse

Neurological ☐ DNA
Patient Status
Loss of Consciousness ☐ Yes ☐ No
☐ Witnessed Duration _____
☐ Unwitnessed ☐ Incontinence
☐ Headache ☐ Post ictal
☐ Visual disturbance _____
☐ Appropriate verbal responses No response
☐ Appropriate motor responses DOA

Pupils ☒ Dilated and Fixed
☐ Equal ☐ Unequal _____
☐ Reactive ☐ Non-reactive ☐ EOMI

Extremity movement
Hand grasps
☐ Equal ☐ Strong
☐ Unequal ☐ Weak
Leg movement
☐ Equal ☐ Strong
☐ Unequal ☐ Weak

Signature: Vicki Page RN Initials VP Signature: _____ Initials _____

DuBois Regional Medical Center — Emergency Department Record — 3 of 7

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

MISCELLANEOUS ☐ DNA

Pt arrived DOA - S/P MVA. Medic Command Dr Palmer ordered CPR stopped Inroute 0500 AM. Pt asystole. Pt involved in MVA. CPR time > 30 min. Pt had been ambulatory p accident then

☒ DNA

Musculoskeletal Injury/Wounds

Mechanism of injury/Description:
collapsed suddenly. Chest deformity and contusion. C-collar initiated by BLS crew. ALS crew for Asystole IV line and Inroute c no response. No other obvious injuries found. —

Circulation: Capillary refill < 2 sec. ☐ Yes ☐ No
Movement: ☐ Full ROM ☐ Limited ROM
Sensation Intact: Yes ☐ No
Injured at: ☐ Work ☐ Home ☐ Other
☐ See body diagram

EENT ☒ DNA

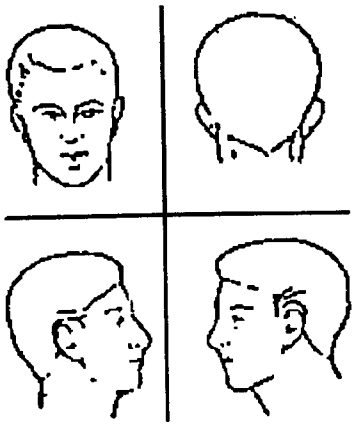
EYES	OD	OS
Red	☐	☐
Tearing	☐	☐
Matted	☐	☐
Burning/pain	☐	☐
Itching	☐	☐
Blurred vision	☐	☐
Loss of vision	☐	☐
Flashing light	☐	☐
Floaters	☐	☐
Foreign body	☐	☐

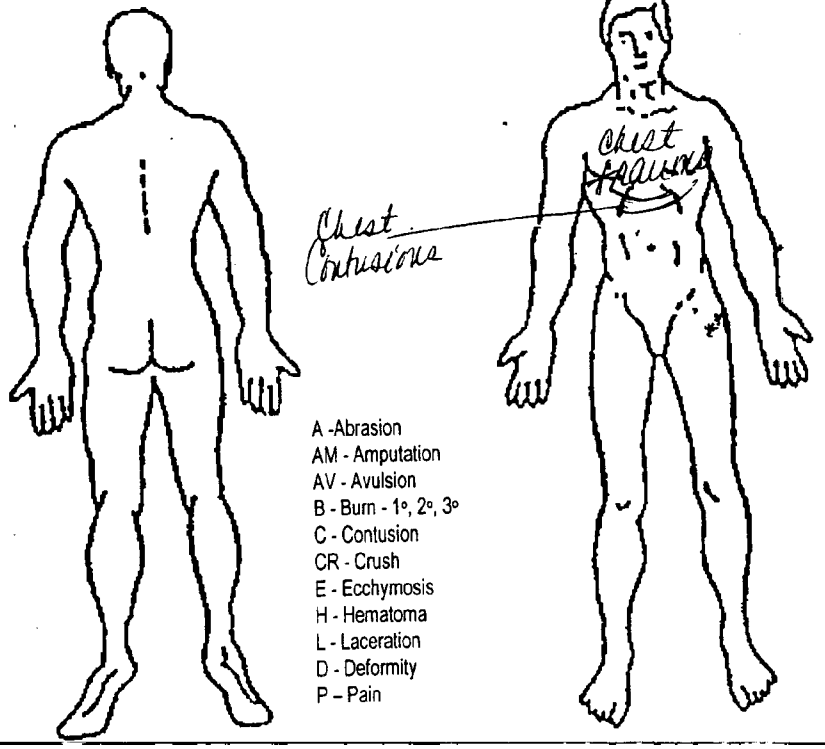
EARS	AD	AS
Pain	☐	☐
Drainage	☐	☐
Decreased Hearing	☐	☐

Other: _____

Nose/Throat
☐ Epistaxis
☐ Rhinorrhea
☐ Sore throat
☐ Dysphagia
☐ Post nasal drip
Other: _____

DESCRIPTION: _____





A -Abrasion
AM - Amputation
AV - Avulsion
B - Burn - 1°, 2°, 3°
C - Contusion
CR - Crush
E - Ecchymosis
H - Hematoma
L - Laceration
D - Deformity
P – Pain

GI/GU/GYN ☒ DNA

Abdomen:
☐ Soft ☐ Distended
☐ Guarding ☐ Rigid

Tenderness:
☐ none ☐ LUQ ☐ Suprapubic
☐ RUQ ☐ LLQ
☐ RLQ ☐ Epigastric

Bowel Sounds:
☐ Present
☐ Diminished
☐ Hyperative
☐ None
Last BM _____

GI:
☐ Nausea ☐ Dry heaves
☐ Vomiting _____
☐ Diarrhea _____
☐ Rectal Bleed _____

GU:
☐ Voids without difficulty
☐ Flank pain R L
☐ Dysuria
☐ Urgency
☐ Hematuria
☐ Frequency
☐ Foley
☐ Other _____

GYN:
Fetal tones _____
☐ Vaginal bleeding
☐ Vaginal discharge
☐ History of ectopic
Para _____ Gravida _____ Ab _____
Description: _____

Signature: VP
Initials: _____

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

DuBois Regional Medical Center
Making the difference for life.

Emergency Department Record Page 6 of 7

TIME	T	P	R	BP	PULSE OXIMETER	MONITOR	PUPILS	HAND GRASPS	LEG MOVEMENT	PAIN SCALE	I	O	INITIALS
TOTAL													

Pupils: O = Oval
M = Medium L = Large
Pupil reaction: + = Brisk
S = Sluggish
O = No Reaction

Hand Grasp and Leg Movement:
Strong - S
Sensation Intact -SI
Weak - W
Paresthesia - P
Equal =
Unequal Ø

Cardiac Rhythms:
NSR - Normal Sinus Rhythm
AF - Atrial Fib
HB - Heart block
SB - Sinus Brady
SR - Sinus Rhythm
ST - Sinus Tachycardia
J - Junctional

PVC - Premature Ventricular Complex
AC - Premature Atrial Complex
VT - Ventricular tachy
VF - Ventricular fib
SVT - Supraventricular tachy
PA - Pacemaker

Glascow Coma Score		Adult	Child	Infant	TIME								
Eye Opening	Spontaneous	4	4	4									
	To Voice/Speech	3	3	3									
	To pain	2	2	2									
	No response	1	1	1	0								
Best Verbal Response	Oriented	5	5										
	Coos, blabbles, smiles			5									
	Confused	4	4										
	Irritable, crying			4									
	Inappropriate words	3	3										
	Cries, Screams to pain			3									
	Incomprehensible sounds	2	2										
	Moans,grunts			2									
	None/No response	1	1	1	0								
Best Motor Response	Obeys commands	6	6										
	Spontaneous			6									
	Localizes to Pain	5	5										
	Withdraws from touch			5									
	Normal flexion	4	4										
	Withdraws from pain			4									
	Abnormal flexion - decorticate	3	3	3									
	Abnormal extension - decerebrate	2	2	2									
	No response	1	1	1	0								

TIME	NOTES	INITIALS
0645 –	Coroner in for bld sampling, sent pt. off for autopsy. Family was notified & pronouncement by Dr. Palmer. Refused viewing of body. Left to go home. Supervisor & family for support and assistance. State Police in for reports of MVA - information. Pt. body released to morgue & seen by Coroner. Coe notified. Hager	

Signature: Michael Hager VP Initials Signature: _____ Initials

DuBois Regional Medical Center
Making the difference for life.

4 of 7

Emergency Department Record

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

PATIENT PROBLEM LIST

Patient needs identified as: (Number to Prioritize) (Minimum of 1 need to be identified)

___ Knowledge deficit:_____
___ Alteration in Comfort: _____
___ Alteration in fluid volume:_____
___ Alteration in Oxygenation:_____
___ Decreased Cardiac Output:_____
(See Chart and nurses notes for interventions and response.)

___ Alteration in body temperature:_____
___ Individual ineffective coping:_____
___ Risk of infection_____
___ Impaired tissue integrity:_____
(1) Other: Cardiac Arrest

SCREENING CRITERIA **Patient Home Phone Number/Room #:**_____

Suspected Abuse: Adult/Child: Physical/Psychological ☒ No Identified Needs
[ ] Unusual/suspicious marks (i.e. burns, bruises, welts, lacerations, punctures)
[ ] Sexual abuse: Harassment, sexual coercion, sexual assault.
[ ] Domestic violence: Patient verbalizes need for assistance.
FOLLOW DRMC POLICY (PR-1, PR-1.2, PR-1.3)

Initial visit date: _____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Discharge Planning: ☒ No Identified Needs
[ ] Additional supportive services needed upon d/c (med. equip., Home Health).
[ ] INITIAL placement assistance needed before discharge.
[ ] Financial assistance required to follow treatment.
[ ] Patient has an Advanced Directive but did not bring in a copy, follow up needed.
If indicated, PLEASE FAX THIS FORM TO SOCIAL WORK #3488.

Initial visit date:_____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Pastoral Care: ☐ No Identified Needs
[ ] Terminal illness
[ ] Recent loss of significant other
[ ] Request for Pastoral Care
Family Refused Pastoral Care
If any of the above are indicated, PLEASE FAX THIS FORM TO THE SOCIAL WORK/ PASTORAL CARE AREA #3488

Initial visit date:_____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Nutrition: ☒ No identified Needs
[ ] Non-intentional weight loss
[ ] Has had weight gain
[ ] Poor appetite, more than 3 days
[ ] Food aversion/or change in taste
[ ] Trouble chewing/swallowing or choking
[ ] Tube feeding TPN, PPN
[ ] Alcohol abuse
[ ] Sore mouth/throat more than 3 days
[ ] Nausea/vomiting more than 3 days
[ ] Change in bowel habits (i.e. diarrhea, constipation)
[ ] Open wounds/decubiti
If indicated, PLEASE FAX THIS FORM TO NUTRITION SERVICE #3499

Initial visit date:_____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Functional: ☐ No Identified Needs

PHYSICAL THERAPY
[ ] Unsteady ambulation
[ ] Change in mobility/gait
[ ] Range of motion limitations

OCCUPATIONAL THERAPY
[ ] Needs assistance with bathroom skills
[ ] Unable to follow direction
[ ] Limited range of motion/coordination
[ ] Unable to feed self
[ ] Unable to dress self

SPEECH THERAPY
[ ] Difficulty reading
[ ]Difficulty speaking
[ ]Difficulty swallowing
[ ]Difficulty expressing self

If indicated, PLEASE FAX THIS FORM TO THERAPY AREA #3025

Initial visit date: _____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Initial visit date: _____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Initial visit date: _____
Time: _____
Signature: _____
Follow-up: [ ] None
[ ] See Progress Note

Signature: _____ ____ **Initials** **Signature:** _____ ____ **Initials**

DuBois Regional Medical Center
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359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E



NOTES

TIME		INITIALS
1530 -	pt ambulatory and talking reportedly p accident. Had gotten out of vehicle, flagged down another vehicle. Was taken to house to obtain medical ~~history~~ approx 10 min ago. EMS was notified. pt reportedly had some chest pain developed and collapsed suddenly. BLS crew found pt in driveway in cardiac arrest. ALS crew had pt asystole on monitor. Approx time of accident per State Police 3:40 - 3:45 AM. EMS dispatched 0356 AM - on scene 04:10 AM. CPR stopped per medic command doctor 0500 Dr Palmer. pt arrived and pronounced by Dr. Palmer 0506. pt estimated to be in arrest approx 1hr time to CPR stopped by medic doctor. No ~~to~~ responses - asystole. No spont resp.	Hazen

Signature: Linda Page Initials VP Signature: _____ Initials _____

HW-17 DUBOIS REGIONAL MEDICAL CENTER
CODE 5 RECORD

DATE 10/6/02 TIME 0505
LOCATION OF ARREST field - cardiac
RECOGNIZED BY EMS - BLS
CPR INITIATED BY EMS - BLS
PRE-ARREST DIAGNOSIS —
ON TELEMETRY —
IV PRESENT _____ IV STARTED #18g RAC
INTUBATED BY EMT-P - field TIME _____

359069 0227900064 10/06/02
EAZOR,RICHARD ER
M 43Y 06/29/59
PALMER,GEORGE JR
DEVLIN,JAMES E

TYPE OF ARREST INITIAL ASSESSMENT _____ TIME _____

( ) Respiratory
( ) Cardiac
( ) Witnessed
(X) Unwitnessed

RESPIRATION
( ) Present
(X) Absent

PULSE
( ) Present
(X) Absent

PUPILS
( ) Reactive
( ) Non Reactive
( ) Constricted
(X) Dilated

TEAM RESPONDING TO CODE (*Designates Leader)

Doctors/Time	Nurse	Ancilliaries
Dr Palmer		
	Vicki Page rn	

TIME	RESP (noted A- assisted S - spontaneous	Blood Pressure	Pulse	Pupils	CPR M – maintained S - stopped	NaBicarb	Epinephrine	Lidocaine	Atropine			Dopamine Drip 400mg/500 D5W	Lidocaine Drip 2gm/500cc D5W	Isuprel Drip 2mg/250cc D5W			Monitor (See Code on back)	Defibrillated (Time & joules)	NOTES
0505	Code stopped - Medic Command													0500 AM				-	V Page rn
0506	Pronounced						-												V Page rn

	IV SOLUTION	RATE	SITE	TUBING	GAUGE	COMMENTS
—			#18g cath RAC	Piehosp		V Page rn

FOLEY	NG	A-LINE	DISPOSITION OF BELONGING FAMILY PATIENT
SWAN GANZ	CVP	PACEMAKER	DISPOSITION OF PATIENT

ORDER TO STOP CODE BY/TIME Dr. Palmer 0500 AM
FAMILY NOTIFIED/TIME Dr Palmer / 0510 AM
CORONER NOTIFIED/TIME P. Haag LPN / 0540 AM
FUNERAL HOME NOTIFIED NSG Supervisor / 0650 AM

NURSE'S SIGNATURE Vicki Page rn INITIALS VP
RECORDER V Page rn
PHYSICIAN'S SIGNATURE

EMS Form Number: 77365557 **Print Date: 10/06/2002**

SERVICE NAME: Brockway Area Ambulance (33001) UNIT: 02 (Mobile 2) INCIDENT #:
INCIDENT LOCATION: GALUSHA AND LONGWELL RD, Snyder Township, PA -- a residence (MCDCode-453392500)

DISPATCHED AT: 03:57 October 06, 2002 OUTCOME: Transported to DuBcis Reg Med Ctr - West (00420)
NATURE OF DISPATCH: BLS Emergency

PATIENT INFO USERDEF3: CHIEF COMPLAINT: Internal trauma (closed blunt) - major

PATIENT LAST NAME:	FIRST:	M.I.:	PHONE:	AGE:	DATE OF BIRTH	SEX:
EAZOR	RICHARD		(814)268-3375	43	06/29/1959	M

STREET ADDRESS:
CITY: STATE: ZIP CODE:
SOCIAL SECURITY #: 184-52-5367 MEMBERSHIP IN SERVICE:
SIGNATURE TO BILL DIRECT: No
RELEASE INFO OBTAINED: No
PRIVATE PHYSICIAN:
MEDICARE #:
MEDICAID #:
NEXT OF KIN:
BILL TO (COMPANY OR NAME): PHONE: ( ) -
ADDRESS:
CITY: STATE: ZIP CODE:
INSUR #1: AUTO INS
Group #:
Policy #
INSUR #2: BLUE CROSS
Group #:
Policy #: ZAX184525367

MILEAGE
OUT: 68288
SCENE: 68294
DEST: 68311
IN: 68324
BILLED: 17
TOTAL: 36

NARRATIVE:

DISPATCHED TO RESIDENCE THAT VICTIMS OF MVA WERE TRANSPORTED TO BY PASSER BY. ARRIVED TO FIND MALE PT LYING IN DRIVEWAY WITHOUT CPR IN PROGRESS. DISPATCHED THAT CPR WAS IN PROGRESS.. NO PALPABLE PULSE AND VISIBLE RESPIRATIONS. CONTINUED CPR. ORAL AIRWAY INSERTED WITH ASSISTED VENTILATION. ALS UNIT ARRIVED ON SCENE AND MONITOR PLACED PT WAS A-SYSTOLE. PLACED ON LSB AND STRETCHER AND LOADED INTO AMBULANCE, WITH MEDIC ON BOARD. CONTINUED WITH CPR . WHILE ENROUTE TO HOSPITAL MEDIC COMMAND WAS CONTACTED AFTER CPR WAS IN PROGRESS FOR OVER AN HOUR WITHOUT SUCCESS. CPR WAS DISCONTINUED AS PER DR GEORGE PALMER ORDER. CONTINUED TO DRMC W ER ROOM 12.

Trip was CLOSED on 10/06/2002 at 08:48:32. Any information below was added to this narrative later.

Crew Signatures:

[Crew Chief] A#1: _____ *Cavalier, Marsha (E048974)
A#2: _____ Cavalier, William (E048975)
A#3:
A#4: _____

Received at Receiving Facility: _____
(Signature) (Date/Time)

(Service Inc. #)

77365557 (State Form #)

EMS Form Number: 85612863 **Print Date: 10/07/2002**

SERVICE NAME: DuBois EMS Amb Svc (17013) UNIT: 52 (Medic 42) INCIDENT #:

INCIDENT LOCATION: Longwell Road Sugar Hill, Warsaw Township, PA -- a residence (MCDCode-453393000)

DISPATCHED AT: 04:07 October 06, 2002 OUTCOME: Transported to DuBois Reg Med Ctr - West (00420)

NATURE OF DISPATCH: ALS Emergency ZipCode:15801

PATIENT INFO USERDEF3: CHIEF COMPLAINT: Internal trauma (closed blunt) - major

PATIENT LAST NAME:	FIRST:	M.I.:	PHONE:	AGE:	DATE OF BIRTH	SEX:
Eazor, Jr.	Richard		(814)268-3375	43	06/29/1959	M

STREET ADDRESS: 200 Main Street

CITY: Brockway STATE: PA ZIP CODE: 15824

SOCIAL SECURITY #: 184-52-5367 MEMBERSHIP IN SERVICE:

SIGNATURE TO BILL DIRECT: No

RELEASE INFO OBTAINED: No

PRIVATE PHYSICIAN: Dr Devlin

NEXT OF KIN: Richard Eazor Sr

BILL TO (COMPANY OR NAME): Eazor, Richard Jr. PHONE: (814)268-3375

ADDRESS: 200 Main Street

CITY: Brockway STATE: PA ZIP CODE: 15824

MEDICARE #:

MEDICAID #:

INSUR #1: Auto Insurance

Group #:

Policy #

INSUR #2: Blue Cross 363

Group #: 002764000.

Policy #: ZAX184525367

MILEAGE

OUT:	451
SCENE:	464
DEST:	479
IN:	480
BILLED:	15
TOTAL:	29

NARRATIVE:

DuBois EMS Amb Svc, Medic 42 was dispatched at 04:07 on Oct 06, 2002 to Warsaw Township, PA and arrived at scene (a residence) at 04:27 in response to a vehicular accident. Response mode to scene was 'Priority 1 Emergency'.

Assistance was provided to a BLS responder from Brockway Ambulance.

There was a police responder from PA State PD.

Patient was a 43 year old male with a chief complaint of internal trauma (closed blunt) - major. Patient condition on scene was life threatening.

The following illnesses were suspected: Cardiac Arrest and Major Internal Trauma. Injuries were sustained as follows: blunt to the head, blunt to the face, fracture or dislocation of the face, blunt to the chest, fracture or dislocation of the chest, and soft, closed wound to the chest.

HISTORY OF PRESENT CONDITION:

Cardiac arrest information:
The arrest was witnessed but Pt was in a traveling vehicle... no CPR started initially.
A bystander administered CPR after 10 minutes or greater.
CPR was started later than 10 minutes after the arrest.
Defib was performed later than 10 minutes after the arrest. Asystole.... Pacing initiated, no Defib.
ALS care was started later than 10 minutes after the arrest.
CPR was discontinued at 05:00.

It is not known whether a safety device was used.
Self extrication, probable steering wheel, dashboard, or windshield damage, and walking after the accident were contributing factors.

(Service Inc. #)

85612863 (State Form #)

Reports from bystanders were confusing and not confirmed to be accurate. However, crew was told that Pt and his girlfriend were driving in a vehicle (unknown what type) and struck a tree head-on. There was supposed to be severe damage to the front of the vehicle. Unknown if safety devises were used, unknown if airbag deployed. Pt was reported to have been self-extricated and flagged down another vehicle for a ride and help. Persons in this vehicle drove Pt to a residence 15 minutes away from crash sight. They were taken to a residence of a dental hygienist who knew CPR. At that time CPR was initiated. Pt reportedly "went down" in the vehicle during transport.

Universal Precautions were used.

PAST MEDICAL HISTORY:
There were no known factors in the patient's medical history.

MEDICATIONS:
There are no known current medications.

ALLERGIES:
There are no known allergies to medications.

ASSESSMENT + TREATMENT:
Arrived to find 43 y/o male Pt laying supine in driveway on a LSB. CPR was being performed by Brockway BLS crew with ventilations via BVM and 15 LPM oxygen. Cardiac monitor had been applied by Medic Luke Crossley who triaged Pt a few minutes prior to our arrival. Medic Crossley advised us that Pt was found in Asystole. He then focused his attention on the other critical patient. CPR was continued by BLS crew while cot and ALS gear was obtained. With CPR being interrupted only for a minute at a time, Pt was lifted from ground, placed on cot, carried to unit, and secured inside. Head to toe check showed copious amounts of coffee ground emesis on face, in mouth, throat, and nose. Pt had an oropharyngeal airway in place. Pt's eyes were open, fixed, and dilated. No obvious trauma noted on head. Pt's bottom jaw was fractured in several places. Skin was cold, cyanotic, with mottled trunk. Pt was apneic, pulseless, and unresponsive. No obvious trauma noted on upper extremities. Pt had a contusion on lower chest/upper abdomen area that appeared to have been caused by the bottom of the steering wheel. It was a semi-circular line that curved upward. Pt's sternum had redness and was described by EMTS doing compressions as "mushy". Pt's abdomen was distended, firm, and mottled. No obvious trauma noted on legs. Pt's airway was not patent due to emesis and jaw fractures. ET tube intubation was attempted x 3, but unable to visualize cords, and unable to insert blade far into throat. Combitube was attempted but again unable to insert past the inflatable cuff. Pt was suctioned multiple times during intubation attempts and hyperventilated in between attempts. Oral airway re-inserted and ventilations continued with BVM. IV attempted X 3 unsuccessful. At this point in time, it was estimated that Pt had been down an hour with confirmed asystole for approx 30 minutes. Medical Command was called via cell phone and Dr Palmer was advised of Pt's condition. considering "down time" crew was ordered to stop resuscitation. At 05:00 resuscitation efforts ceased. Pt transport was continued to DRMC West ER. Pt was taken into room 12.

Medical command was by cellular telephone. The command facility was DuBois Reg Med Ctr - West (00420) ZipCode:15801 and the command physician was Palmer Jr, George F., DO (1096).

Response outcome was: transported by this BLS unit w/ALS onboard. Transport mode from scene was 'Emergency'. Patient condition prior to transport was life threat..
Patient condition at facility was worse. The receiving facility was DuBois Reg Med Ctr - West (00420) ZipCode:15801.

The Category of Ground Ambulance Service is 'ALS 2' because:
the patient was transported by ground ambulance,

(Service Inc. #)

85612863 (State Form #)

EMS Form Number: **85612863** **Print Date: 10/07/2002**

the necessary supplies and services were supplied,
the following ALS procedure(s) were provided:
Endotracheal Intubation, Cardiac pacing,

This was the only patient transported on this trip.

LOG:

Time	Pul	Resp	BP	EKG	
04:07					Dispatched.
					Enroute.
04:27					Arrived at scene.
04:28					Arrived at patient.
	0	0	0/		Coma=3 (E1,V1,M1)
					ALS Assessment, Treated By-A1, - Successful
					Peripheral IV, 18 ga, Left Anticubital, Treated By-A1, - Unsuccessful
	0			Asys	EKG, Treated By-A1, - Successful
					EndoTrach. Intub., Treated By-A1, - Unsuccessful
					Pacing -, Mech. Capt. Unsuccessful, Treated By-A1
04:40					Departed scene.
04:50					----Medical Command----Cellular, Cmd Phy-Palmer Jr, George F., DO, Cmd Facility-00420,Successful, [Requested stop resuscitation - Pt resuscitation stopped at 05:00 per Dr Palmer]
	0	0	0/		P= Absent, Coma=3 (E1,V1,M1)
05:05					Arrived at destination.
06:00					Available.
06:30					In quarters.

Trip was CLOSED on 10/07/2002 at 18:37:40. Any information below was added to this narrative later.

Crew Signatures:

[Crew Chief] A#1: Electronically Signed *Blakeslee, Christal (P077000)

A#2: Electronically Signed Reitz, Daniel (E059591)

A#3: _____

A#4: _____

Med Cmd: _____

Received at Receiving Facility: _____
(Signature) (Date/Time)

(Service Inc. #)

85612863 (State Form #)

CORONER'S FIELD REPORT

10702

Clearfield County, PA
R. JOEL HEATH, Coroner

TELEPHONE
(814) 339-7528

ADDRESS
P.O. Box 145
Osceola Mills, PA 16666

NAME Richard A Eazor 268-3375 Sex m Race white

HOME ADDRESS 200 main St Brockway Pa 15824

If under 1 Year

Birthdate 6/29/59 Age 43 Mo. _____ Days _____ Soc. Sec. No. 184-52-5367

Date/Time of Death: Pronounced: Day 10-6-02 Sunday Time 5:06 Am Married _____ Never Married X

Widowed _____ Divorced _____

Estimated: Day _____ Time _____ Separated _____ Unknown _____

CAUSE OF DEATH: a. Flail Chest

b. mva

c. _____

Other Significant Conditions: _____

MANNER OF DEATH: Natural _____ Suicide _____ Undetermined _____

Accidental X Homicide _____ Under Investigation _____

Pronounced Dead By Dr Palmer Location Demc West

Next of Kin (Notified):

Name Richard Eazor (Father) Candy Eazor (Sister) 371-4920 Relationship Father

Address _____ Brockway Telephone _____

Place of accident, collapse, etc.: (include township or borough) SR 949 + Spring Creek Rd, Heath Twp Jefferson Co

Means of Identification _____

Condition of Body: Fully clothed ✓ Partially clothed _____ Unclothed _____ Describe:

Jeans, Socks, Shoes Shirt Removed

Preservation: Well Preserved ✓ Decomposed _____ Describe: _____

Estimated Rigor: None _____ Complete _____ Head _____ Arms _____ Legs _____

Livor: None _____ Front _____ Back _____ Localized _____

Blood: Absent ✓ Present _____ Location _____

Time Call Recv'd 5:58 Am From Deneen Time of Arrival 6:40 Photos Taken _____

EXHIBIT E

Apparent Wounds: None _____ Gunshot _____ Stab _____ Blunt Force _____

Describe Primary: _____

_____

Primary Location: Head_____ Neck _____ Chest _____ Abdomen _____ Extremities _____

Hanging: Yes _____ No _____ Means _____

Deceased Found: Date _____ Time _____ By Whom _____

Address (if different) _____

Location: Apartment_____ House _____ Townhouse _____ Other (describe) _____

Entrance By: Key _____ Cutting Chain _____ Forcing Door _____ Other (describe) _____

_____

Condition of other doors & windows: Open _____ Closed _____ Locked _____ Unlocked _____

Body Found: Dining Room _____ Living Room _____ Bedroom ___ Kitchen _____ Attic _____

Basement _____ Other (describe) _____

Location in Room: _____

Position of body: On back _____ Face Down _____ Other (describe) _____

Conditions of Surroundings: Orderly _____ Untidy _____ Disarray _____ Normal? _____

Lights _____

Evidence of Last Food Preparation:

Where: _____

Type: _____

Dated Materials and Where Found:

Mail: _____

Newspapers: _____

X Vehicle Involved: Make Chevy Coesice Color _____ Reg. # _____

Last Contact with Deceased: Date _____ Type of Contact: _____

Name of Contact: _____ Phone: _____

Police or Emergency Personnel Notified By:

Name _____ Relationship _____

Address _____ Telephone _____

Date _____ Time _____ Manner _____

Evidence of Drug Use: (Prescription and Nonprescription) Yes _____ No _____

List or Describe _____

_____

_____

Doctor Devlin Address _____ Phone _____

Evidence of Drug Paraphernalia: Yes _____ No ✓ Describe: _____

_____

Evidence of Alcohol Intake: Yes _____ No _____ Describe: _____

_____

Weapons Present:
Gun: Yes _____ No ✓ Caliber _____ Make _____

Model _____ Serial No. _____

Knife: Yes _____ No ✓ Describe: _____

Other: (describe) _____

Disposition of Weapon(s): _____

Evidence of Sexual Deviate Practices: Yes _____ No ✓ Describe: _____

_____

Investigating Officer: Sgt Battestilli Department PSP Punxsy

Disposition of Body: Altoona for a Autopsy → Goble-Baronick F.H.

Per Family

Autopsy: Yes X No _____ Reason: Determine who was the driver

By: Dr Cottle Location Altoona

Blood Drawn: Yes X No _____ Kit Number _____ Time 6:45 am.

Valuables Retained: none hospital found no valuables

_____

Disposition of Valuables: _____

Operator's License Attached: Yes _____ No X OLN DUI Suspension

Mileage form _____ To _____

_____ Total Miles Traveled: _____

Telephone _____ Miscellaneous _____

NARRATIVE

10-6-02 pt brought into ER found in Cardiac Arrest upon Arrival to Scene. CPR in Progress He had been involved in a mva unknown if he was the driver or not.

10-6-02 pt involved in a mva was picked up by by Standards and taken to different Location. he was walking around and collapsed upon EMS arrival he was found in full Cardiac arrest. CPR Started by BLS upon ALS Arrival he was Asystole medic moved to next pt CPR was Cont. until medComm was Contacted 2nd medic took over Everything stopped and Pronounced 6:06 am

It is unknown if he was the driver or passanger

Cobble-Breonick Funeral Home
814-371-2040

Kim Shaffer
Deputy Coroner
371-8337 (H)
371-5321 (W) 9-4

AA-34 (11-87)

CORONER'S MOTOR VEHICLE DEATH REPORT

CORONER'S NAME Kim Shaffer COUNTY Clearfield DATE MAILED 10-8-02

DATE OF ACCIDENT 10-6-02 HOUR 3:40 A.M. ___ P.M. DAY OF WEEK Sunday

NAME OF INVESTIGATING POLICE AGENCY PSP Punxsy Tpr Battestilli

LOCATION OF ACCIDENT
IF ON HIGHWAY OUTSIDE CITY OR TOWN 8 MILES ☐ NORTH ☒ SOUTH ☐ EAST ☒ WEST OF Sigel (NEAREST CITY-TOWN) ON RT. NO. 949 IN Jefferson (COUNTY) ☐ AT

IF IN CITY OR TOWN ___ (STREET) ☐ NEAR INTERSECTION WITH ___ (STREET) IN ___ (CITY OR TOWNSHIP)

1.
NAME OF DECEASED Richard Eaton AGE 43 SEX male

ADDRESS OF DECEASED 200 main St (STREET) CITY Brockway COUNTY Jefferson STATE Pa

TYPE OF INJURY CAUSING DEATH 10 Fx Ribs Fx Sternum

DRIVER ☒ OCCUPANT ☐ PEDESTRIAN ☐ BICYCLE ☐ SLED ☐ OTHER ☐

RESULT OF AUTOPSY, IF PERFORMED Flail Chest, mva

DATE AND TIME OF DEATH. DATE 10-6-02 HR. 5:06 A.M. ___ P.M.

HAD DECEASED OPERATOR OR PEDESTRIAN BEEN DRINKING? YES ___ ___ % ☐ NO ☒ UNKNOWN ☐ NO TEST GIVEN

DRUGS NOTED IN TOXICOLOGY REPORT
(Other than alcohol) (excluding nicotine, aspirin) ☐ YES ☐ NO ☒ UNKNOWN ☐ NO TEST GIVEN

2.
NAME OF DECEASED ___ AGE ___ SEX ___

ADDRESS OF DECEASED ___ (STREET) CITY ___ COUNTY ___ STATE ___

TYPE OF INJURY CAUSING DEATH ___

DRIVER ☐ OCCUPANT ☐ PEDESTRIAN ☐ BICYCLE ☐ SLED ☐ OTHER ☐

RESULT OF AUTOPSY, IF PERFORMED ___

DATE AND TIME OF DEATH. DATE ___ HR. ___ A.M. ___ P.M.

HAD DECEASED OPERATOR OR PEDESTRIAN BEEN DRINKING? YES ___ ___ % ☐ NO ☐ UNKNOWN ☐ NO TEST GIVEN

DRUGS NOTED IN TOXICOLOGY REPORT
(Other than alcohol) (excluding nicotine, aspirin) ☐ YES ☐ NO ☐ UNKNOWN ☐ NO TEST GIVEN

REMARKS ___

Kim Shaffer Deputy (CORONER'S SIGNATURE) 10-8-02 (DATE)

D 19

OFFICE OF THE CORONER

Clearfield County

Pennsylvania

Dr. HAROLD R. COTTLE, Forensic Pathologist, of Hollidaysburg, PA., is hereby authorized to perform a postmortem examination on the body of the late Richard A Eazor (Name), of 200 Main St Brockway Pa 15824 (address) who died on 10/6/02 2002, 19 ____ at 5:06 am/pm.

Special instructions or limitations: _____

Determine if he was the passanger or Dr.

10-6-02

(DATE)

Kim Shaffer Deputy

CORONER
DEPUTY CORONER

Coble - Baronick FH

3/92

OFFICE OF THE CORONER

County of Clearfield

R. JOEL HEATH, CORONER
P.O. BOX 145
OSCEOLA MILLS, PA. 16666

Telephone (814) 339-7528
Fax (814) 339-7358

H-102.003 (5-84)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH
BUREAU OF LABORATORIES

FORWARD TO CORONER

REPORT OF TOXICOLOGY STUDIES

ACTS 237-1968; 288-1982

NAME OF DECEASED (LAST, FIRST, MIDDLE): Eazor Richard — No. 018788

DATE OF ACCIDENT	TIME OF ACCIDENT	AGE	SEX	RACE
10 / 6 / 02	3:40 AM/PM	43	(M) F	White

DATE OF DEATH	TIME OF DEATH	DECEASED WAS	COUNTY WHERE ACCIDENT OCCURRED
10 / 6 / 02	5:06 AM/PM	☐ DRIVER ☐ PEDESTRIAN	Jefferson

DATE SAMPLE TAKEN	TIME SAMPLE TAKEN	SITE OF SAMPLE COLLECTION
10 / 6 / 02	6:45 AM/PM	☒ HEART ☐ OTHER (SPECIFY)

SAMPLE COLLECTED BY (LAST NAME, FIRST, MIDDLE): Shaffer Kim — DATE SAMPLE MAILED: 10 / 6 / 02

FACILITY WHERE SPECIMEN WAS COLLECTED
NAME: DEMC
ADDRESS: DuBois Pa 15801

CAUSE OF DEATH: MVA Pending Autopsy Results

CORONER SIGNATURE	CORONER'S PHONE NO.	COUNTY
Kim Shaffer	Office 814-339-7528	Clearfield

LABORATORY USE ONLY

DATE SPECIMEN RECEIVED	CONDITION OF SPECIMEN
10 / 9 / 02	(1) SATISFACTORY (2) UNSATISFACTORY (3) SATISFACTORY-QNS

RESULT OF BLOOD ALCOHOL DETERMINATION	DATE OF ANALYSIS	PERFORMED BY
☐ NO ETHANOL DETECTABLE	10/9/02	L.H.
98 mg ETHANOL/DECILITER		
0.098 % w/v ETHANOL		
OTHER POSITIVE TOXICOLOGY RESULTS:		

TYPE/PRINT IN PERMANENT BLACK INK

CERTIFICATE OF DEATH (Coroner)

10702

STATE FILE NUMBER

17

ALIAS USED

NAME OF DECEDENT

DECEDENT PERSONAL DATA

1. NAME OF DECEDENT (First, Middle, Last): Richard Eazor				2. SEX: Male	3. SOCIAL SECURITY NUMBER: 184-52-5367	4. DATE OF DEATH (Month, Day, Year): October 6, 2002
5. AGE (Last Birthday): 43 Yrs.	UNDER 1 YEAR: Months / Days	UNDER 1 DAY: Hours / Minutes	6. DATE OF BIRTH (Month, Day, Year): June 29, 1959	7. BIRTHPLACE (City and State or Foreign Country): Aliquippa, PA	8a. PLACE OF DEATH (Check only one — see instructions on other side): HOSPITAL: Inpatient ☐ ER/Outpatient ☒ DOA ☐ OTHER: Nursing Home ☐ Residence ☐ Other (Specify) ☐	
8b. COUNTY OF DEATH: Clearfield	8c. CITY, BORO, TWP OF DEATH: DuBois City	8d. FACILITY NAME (If not institution, give street and number): DuBois Regional Med. Ceneter	9. WAS DECEDENT OF HISPANIC ORIGIN? No ☒ Yes ☐ If yes, specify Cuban, Mexican, Puerto Rican, etc.	10. RACE - American Indian, Black, White, (Specify): White		
11a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life; do not use retired.): Owner/operator	11b. KIND OF BUSINESS/INDUSTRY: Auto Dealership	12. WAS DECEDENT EVER IN U.S. ARMED FORCES? Yes ☐ No ☒	13. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 12 / College (1-4 or 5+):	14. MARITAL STATUS - Married, Never Married, Widowed, Divorced (Specify): Never Married	15. SURVIVING SPOUSE (If wife, give maiden name):	
16. DECEDENT'S MAILING ADDRESS (Street, City/Town, State, Zip Code): 200 Main St. Brockway, Pa 15824	DECEDENT'S ACTUAL RESIDENCE (See instructions on other side) 17a. State: PA	17b. County: Jefferson	Did decedent live in a township? 17c. ☐ Yes, decedent lived in _____	17d. ☒ No, decedent lived within actual limits of: Brockway	city	
18. FATHER'S NAME (First, Middle, Last): J. Richard Eazor				19. MOTHER'S NAME (First, Middle, Maiden Surname): Wanda Martin		
20a. INFORMANT'S NAME (Type/Print): J. Richard Eazor				20b. INFORMANT'S MAILING ADDRESS (Street, City/Town, State, Zip Code): 5767 Rt. 219 North, Brockport, PA 15823		

DISPOSITION

21a. METHOD OF DISPOSITION: Burial ☐ Cremation ☒ Removal from State ☐ Donation ☐ Other (Specify) ☐	21b. DATE OF DISPOSITION (Month, Day, Year): Oct. 9, 2002	21c. PLACE OF DISPOSITION - Name of Cemetery, Crematory or Other Place: Northwest PA Crematory	21d. LOCATION - City/Town, State, Zip Code: 330 Wood St. Clarion, PA 16214
22a. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH: Jeffrey A Rauch	22b. LICENSE NUMBER: 013700-L	22c. NAME AND ADDRESS OF FACILITY: Goble-Baronick F.H. 211 South Main St. DuBois, PA 15801	

PRONOUNCING PHYSICIAN ONLY (See definition on other side)

Complete Items 23a-c only when certifying physician is not available at time of death to certify cause of death.	23a. To the best of my knowledge, death occurred at the time, date and place stated. (Signature and Title)	23b. LICENSE NUMBER	23c. DATE SIGNED (Month, Day, Year): October 7, 2002
Items 24-26 must be completed by person who pronounces death.	24. TIME OF DEATH: 5:06 AM M.	25. DATE PRONOUNCED DEAD (Month, Day, Year): October 6, 2002	26. WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? Yes ☒ No ☐

CAUSE OF DEATH (See instructions on other side)

27. PART I: Enter the diseases, injuries or complications which caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.

		Approximate interval between onset and death
IMMEDIATE CAUSE (Final disease or condition resulting in death) →	a. Flail Chest	
Sequentially list conditions if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST	b. MVA	
	c.	
	d.	

PART II: Other significant conditions contributing to death, but not resulting in the underlying cause given in PART I.

28a. WAS AN AUTOPSY PERFORMED? Yes ☒ No ☐	28b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Yes ☒ No ☐	29. MANNER OF DEATH: Natural ☐ Accident ☒ Suicide ☐ Homicide ☐ Pending Investigation ☐ Could not be determined ☐	30a. DATE OF INJURY (Month, Day, Year): October 6 2002	30b. TIME OF INJURY: 3:40 AM	30c. INJURY AT WORK? Yes ☐ No ☒	30d. DESCRIBE HOW INJURY OCCURRED: 1 vehicle accident head on into tree
			30e. PLACE OF INJURY - At home, farm, street, factory, office building, etc. (Specify): SR 949	30f. LOCATION (Street, City/Town, State): SR 949 / Spring Creek Rd Sigel Pa		

CERTIFIER (See definitions on other side)

CERTIFIER (Check only one)

- *CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed Item 23) To the best of my knowledge, death occurred due to the cause(s) and manner as stated. ☐
- *PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death) To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☐
- *MEDICAL EXAMINER/CORONER On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. ☒ 31a.

31b. SIGNATURE AND TITLE OF CERTIFIER: Kim Shaffer Deputy Coroner	31c. LICENSE NUMBER	31d. DATE SIGNED (Month, Day, Year): October 7, 2002
32. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (Item 27) Type or Print: Kim Shaffer RD 4 Box 178 DuBois, PA		
33. REGISTRAR'S SIGNATURE AND NUMBER: David L Dawes 11/1182	34. DATE FILED (Month, Day, Year): Oct 09 2002	

HAROLD R. COTTLE, M.D., F.C.A.P., F.A.S.C.P.
LABORATORY MEDICINE AND FORENSIC PATHOLOGY
25 SYLVAN DRIVE
HOLLIDAYSBURG, PA 16648-2718

NO. CFCA02-15

AUTOPSY REPORT FOR Clearfield County Coroner

DECEASED'S NAME Richard A. EAZOR

S.S. 184-52-5367 DATE OF BIRTH 06/29/59 AGE 43 SEX M

TIME AND DATE OF DEATH Sunday, October 06, 2002, pronounced 6:02 AM

AUTOPSY DIAGNOSES

1. Crushing Chest Injury.
   A) Fractured ribs I through X bilaterally and sternum
   B) Superficial lacerations of right lobe of liver

Harold R. Cottle M.D.

Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

AUTOPSY WAS PERFORMED AT THE MORGUE OF THE Bon Secours-Holy Family HOSPITAL
Altoona, PA ON Monday October 07, 2002 FROM 8:05 AM/[redacted] TO 8:50 AM/[redacted] BY HAROLD R. COTTLE, MD, FORENSIC PATHOLOGIST. ASST. W. Swanger

WITNESSES NONE

1/00

GROSS DESCRIPTION

EXTERNAL EXAMINATION

The body is that of a well-developed, well-nourished, muscular middle-aged, white male, has not been previously embalmed or prepared for burial or viewing in any respect and when first seen in the morgue of the Bon Secours-Holy Family Hospital, Altoona, PA., is clad only in a pair of gray, "jockey"-type briefs, blue denim jeans, white, cotton, mid-calf sock and black work boot on the right foot with matching items from the left side inside the body bag but no longer on the foot. The body is 69 inches (175 cm) long with estimated weight of 220 lbs. There is a wallet with papers, key holder with 6-8 keys, $29.00 in bills and Visa and Mastercard credit cards with a business card in the name of the deceased as Chevrolet-Pontiac dealer from Brockway, PA. There are also cards in the wallet of adult Parole Officers in Jefferson County and Clearfield County. The outer aspect of the body includes three, faint, red, contusive marks in a pattern of concentric arches over the lower mid-chest anteriorly and abrasions over the anterolateral aspect of the left upper arm and the left elbow posteriorly. Intravenous marks from attempts at needle insertion are noted in both antecubital areas and the anterior left wrist area. A plastic identification band is present around the left wrist. A small, old vaccination scar is present over the left deltoid region. Three, small, white, EKG patches and two, large, oblong ones are present attached to the chest wall. No other external features of note are seen externally, although subcutaneous hematomas of

some size are present over the antero-lateral chest on the right and the antero-lateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein.

The head is normocephalic with no significant externally visible deformity or sign of injury and is covered with gray-brown hair of ordinary male length and arrangement. A small goatee is present at the tip of the chin and a narrow mustache on the upper lip. The face is otherwise clean shaven elsewhere. The head, as mentioned above, is normocephalic. The eyes are brown with round, regular, equal, 5 mm pupils. The ears are of ordinary appearance and are not pierced. The nose shows slight abrasion over the bridge. The throat and mouth are of ordinary appearance and symmetrical to external examination. The natural teeth are present and in a good state of repair. The hands are not remarkable; the fingernails cut very short but not apparently bitten. The chest cavity exhibits palpable fracture of most ribs in anterior axillary line and will be described in greater detail after chest opening. The face is not itself remarkable. The panniculus adiposus is 3.5 cm thick and anteriorly bloody over the chest. There is marked livor in the posterior superior regions of the trunk. The neck shows no crepitus or abnormal mobility of the head upon the cervical spine. The normal male breasts, abdomen, back and extremities are generally symmetrical and not remarkable other than as described. A moderate degree of post-mortem rigor remains.

NECK

The soft tissues of the neck, including the thyroid are normally located, of ordinary appearance and not remarkable. The larynx and hyoid bone and their immediately associated soft tissues, are intact, lie in the midline and show no evidence of local trauma.

CHEST

The skin, bloody subcutaneous tissue, well-developed musculature and much fractured rib cage are symmetrical and not otherwise remarkable. The pleural cavities contain blood bilaterally. The pericardial cavity is intact. The mediastinal soft tissues, include a moderate amount of ecchymotic hemorrhage. The 5 gram, fatty, atrophic thymus is present in the usual site. Detailed examination of the rib cage, shows fracture of right ribs 1-10 in the anterior to mid-axillary lines and of left rib 1-10 in the anterior axillary line. The sternum is fractured at the junction of its manubrium and body. There are no apparent fractures of the lower extremities or the upper extremity, neck and skull. Blood is present to the extent of an estimated 500 cc in the right chest and 200 cc in the left chest.

HEART

425 grams (estimated weight). The smooth, glistening, intact pericardial sac, epicardium and endocardial lining are not remarkable. The myocardium is uniformly firm and reddish brown. The valve leaflets, great vessels, interventricular and interatrial septa are intact, normally arranged and show no direct, intrinsic abnormality. The cardiac

dimensions are within normal limits. The coronary arteries show an ordinary pattern of arrangement and a moderate degree of atheromatosis with no serious narrowing or other gross abnormality.

LUNGS

Right 500 grams, Left 450 grams (estimated weights). These show a moderate degree of multi-focal congestion and hemorrhage with no other significant abnormality to be seen. The tracheobronchial tree is not remarkable. The pulmonary artery and its major branches are normally arranged and a few of the branches are associated with pleural lacerations which are the apparent source of the blood in the pleural cavities.

DIAPHRAGM

This is intact, lies at the usual levels and is not grossly remarkable.

AORTA

This and its principal branches are normally arranged and not grossly remarkable.

ABDOMEN

The abdominal organs are, for the most part, normally arranged and related. The umbilicus is closed, fibrotic and not remarkable.

LIVER

1,500 grams (estimated weight). This exhibits superficial lacerations on the anterior aspect of the right lobe of the liver and

approximately 50 cc of blood in the upper peritoneal cavity is apparently derived therefrom.

GALLBLADDER

This is intact, lies in the usual location and is not grossly remarkable.

SPLEEN

190 grams. The splenic capsule is intact, smooth, glistening and not grossly remarkable. The enclosed pulp is also unremarkable.

PANCREAS

This is of ordinary size, shape, appearance, location and not remarkable.

GI TRACT

The esophagus, stomach with 200 ml of watery (non-bloody) fluid contained therein, the small bowel, colon and appendix are normally arranged and not remarkable. The mesentery is intact and not grossly remarkable.

ADRENALS

These are in the usual location and of ordinary appearance in all respects.

KIDNEYS

150 grams ea. (estimated weights). Intact capsules are easily stripped from smooth surfaced cortices of ordinary thickness, appearance and arrangement. Medullary pyramids, calices, pelves and ureters of usual dimension, arrangement and appearance are present bilaterally.

BLADDER

This is intact, contains 500 ml of watery, colorless urine and is not in any way traumatized or otherwise abnormal.

PROSTATE

This is of ordinary size, shape, normally located and not grossly remarkable. It is neither enlarged nor nodular.

TESTES

These are symmetrically arranged within the scrotum and are not grossly remarkable.

EXTERNAL GENITALIA

These are circumcised and of ordinary size, shape and appearance for a male of this age.

BRAIN

This is not removed for examination. The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise.

HRC/wss
10/30/2002

Richard A. EAZOR CFCA02-15

FINAL CASE SUMMARY

This 43 year-old, male who seemed to have been involved in a motor vehicle collision was found conscious and on his feet by by-standards and very shortly thereafter unconscious and unresuscitatible by EMTs. Little information is available at time of Autopsy but the latter showed massive, crushing chest injury as the obvious, immediate cause of death in this case of physical injury.

Harold R. Cottle M.D.

Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

NATIONAL MEDICAL SERVICES

CONFIDENTIAL

November 6, 2002

TO: Clearfield County Coroner
Attn: R. Joel Heath
P.O. Box 145
Osceola Mills, PA 16666

TOXICOLOGY REPORT OF: **EAZOR, Richard A.** **(CFCA02-15)** **43/M**
NMS Control No.: 861535

SPECIMENS: One grey vial containing ~ 5.75 mL of blood, two red top tubes (one containing ~ 5.25 mL of blood and one containing ~ 6.75 mL of urine) and one lavender top tube containing ~ 4 mL of blood were received on 10/08/02.

EXAMINATION: Analysis Requested - Panel 8101 - Autopsy Toxicology Alcohol and Screen for Common Drugs of Abuse

FINDINGS:

Blood

ETHYL ALCOHOL (by Enzymatic Assay & Headspace GC)	147 mg/dL (BAC=0.14 % w/v)
BENZODIAZEPINES CROSS-REACTIVES (by ELISA)	Positive
DIAZEPAM (by GC/MS)	52 nanog/mL
CANNABINOIDS CROSS-REACTIVES (by ELISA)	Positive
DELTA-9 THC (by GC/MS)	None Detected Reporting Limit: 1.0 nanog/mL
11-HYDROXY DELTA-9 THC (by GC/MS)	None Detected Reporting Limit: 5.0 nanog/mL
DELTA-9 CARBOXY THC (by GC/MS)	Less than 5.0 nanog/mL

Urine

ETHYL ALCOHOL (by Headspace GC)	234 mg/dL (0.23 % w/v)

Other than the above findings, examination of the specimens submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

COMMENTS:

1. Ethyl alcohol is a CNS-depressant and has effects so-related, e.g., impaired judgment, alertness and coordination.

   If the determined blood alcohol concentration (BAC) is representative of the circulating BAC at the time of the fatal incident, then it represents as absorbed body burden of approximately 6-7 "drinks" of an alcoholic beverage in an adult of average size weighing approximately 155 lbs.

   Note: a "drink" = 1 oz. of distilled spirits
   4 oz. of wine
   12 oz. of beer

   Each of the drinks listed above contains about the same amount of ethyl alcohol.

2. Diazepam (Valium®) is a benzodiazepine used primarily for its sedative anxiolytic or muscle relaxing effects. It is a U.S. DEA Schedule IV listed central nervous system depressant, and patients using this medication are warned accordingly, especially concerning motor functions. It is habituating, and frequently abused. It is metabolized to several pharmacologically active compounds: nordiazepam, oxazepam and temazepam. In order to evaluate the effects of this compound, concentrations of these metabolites must also be considered.

   The reported diazepam concentration in a chronic steady-state regimen of 5 mg twice daily ranges from 100 to 400 nanog/mL with nordiazepam being in the range of 130 to 500 nanog/mL. Oxazepam and temazepam may be present in very low concentrations.

   Toxic effects may be produced by blood concentrations in excess of 1500 nanog/mL; fatalities produced by diazepam alone are rare, but may occur at blood concentrations greater than 5000 nanog/mL. Alcohol greatly enhances the activity of the benzodiazepines.

3. Marihuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marihuana are known as Cannabinoids.

   Delta-9-THC is the principle psychoactive ingredient of marihuana/hashish. It rapidly leaves the blood, even during smoking, falling to below detectable levels within several hours. THC concentrations in blood are usually about one-half that of serum/plasma concentrations. The active metabolite, 11-hydroxy-THC, may also fall below detectable levels shortly after inhalation. Delta-9-carboxy-THC is the inactive metabolite of THC with peak concentrations attained 32-240 minutes after smoking and may be detected for up to one day or more in blood.

   Reported usual peak THC concentrations in serum after smoking 1.75% or 3.55% THC marihuana cigarettes are 50 to 270 nanog/mL after beginning of smoking, decreasing to less than 5 nanog/mL by 2 hrs. Corresponding delta-9-carboxy-THC concentrations range from 15 to 101 nanog/mL about 32-240 minutes after the beginning of smoking and decline slowly. Passive inhalation of marihuana smoke has been reported to produce THC concentrations up to 2 nanog/mL. Delta-9-carboxy THC concentrations may not be present following passive inhalation of marihuana smoke.

Respectfully,

George F. Jackson, Ph.D., DABFT
Forensic Toxicologist

GFJ/sdw

This analysis was performed under chain of custody. The chain of custody documentation is on file at National Medical Services, Inc.

The data generated in the determination of the results contained in this report are scheduled to be discarded eighteen (18) months from the date of the original report, unless alternate arrangements are made by you prior thereto.

The remainder of the submitted specimens are scheduled to be discarded six (6) weeks from the date of this report unless alternate arrangements are made by you prior thereto.

****** **** ANALYSIS SUMMARY **** ******

8101 - Autopsy Toxicology Alcohol and Screen for Common Drugs of Abuse

Test No. 8101 –Drug Screen by Enzyme-Linked Immunosorbent Assay (ELISA) on Blood for: Amphetamine, Barbiturates, Benzodiazepines, Benzoylecgonine (Cocaine), Cannabinoids (Marihuana), Methamphetamine, Methadone, Opiates, Phencyclidine (PCP) and Propoxyphene; Enzymatic Assay for: Ethanol (Ethyl alcohol).

Test No. 0170 - Alcohol Panel - Headspace Gas Chromatography on Blood and Urine for: Ethanol, Methanol, Acetone, Acetaldehyde and Isopropyl Alcohol.

Test No. 9329 - Benzodiazepines Panel - Gas Chromatography/Mass Spectrometry on Blood for: Alprazolam, Chlordiazepoxide, Clonazepam, Desalkylflurazepam, Diazepam, Estazolam, Alphahydroxyalprazolam, Hydroxyethylflurazepam, Hydroxytriazolam, Lorazepam, Midazolam, Nordiazepam, Oxazepam, Temazepam and Triazolam.

Test No. 0960 - Cannabinoids - Gas Chromatography/Mass Spectrometry on Blood for: Delta-9-THC, 11-Hydroxy-THC and 9-Carboxy-THC.

******* END OF REPORT *******

Terry L. Beamer
Funeral Director
Supervisor
Brookville

Goble-Baronick
FUNERAL HOME, INC.

Jeffrey M. Baronick
Funeral Director
Supervisor
DuBois

BILL TO
Eazor, Richard A. Mr. & Mrs. Richard Eazor 5767 Rt. 219 North Brockport, PA 15823

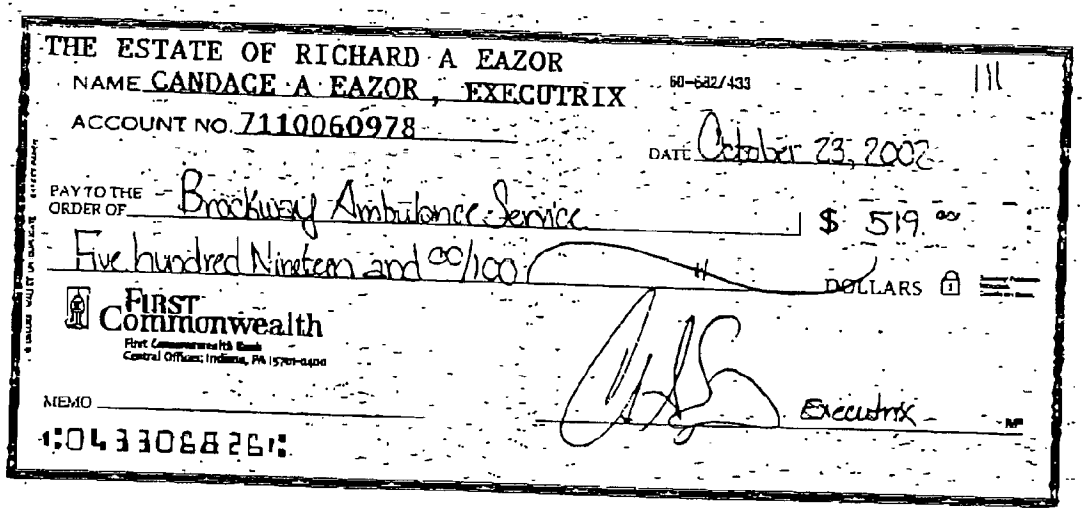
Invoice

DATE	INVOICE #
10/7/2002	39

ITEM	QTY	DESCRIPTION	RATE	AMOUNT
Funeral Home Ch...				
Casket	1	Carlisle Cremation Casket	999.00	999.00
Funeral Home Ser...	1	Professional Services of Goble-Baronick Funeral Home	3,585.00	3,585.00
Prayer Cards/Me...	1	Prayer Cards/Memory Folder	0.00	0.00
Register Book	1	Register Book	0.00	0.00
Thank You Cards	1	Thank You Cards	0.00	0.00
Miscellaneous Ch...	1		0.00	0.00
				4,584.00
Cash Advances				
Clergy	1	Rev. Joseph Tagliaferre	50.00	50.00
Death Certificates	15	Certified Death Certificates	2.00	30.00
Flowers	1	Flowers + tax	159.00	159.00
Grave Markers	1	Grave Markers	0.00	0.00
Obituaries	1	Obituary: Courier Express	20.00	20.00
Obituaries	1	Obituary: Meadville Tribune	20.00	20.00
Obituaries	1	Obituary Ridgway Record	15.00	15.00
Open & Close Gra...	1	Open & Close Grave @ Morningside Cemetery	240.00	240.00
Miscellaneous Ad...	1	Single Cemetery Lot	450.00	450.00
Miscellaneous Ad...	1	Cremation Charges	100.00	100.00
				1,084.00

Total Funeral Exp.	$5,668.00
Payments/Credits	$0.00
Balance Due	$5,668.00

EXHIBIT F



THE ESTATE OF RICHARD A EAZOR

NAME CANDACE A EAZOR, EXECUTRIX 60-632/433 111

ACCOUNT NO. 7110060978 DATE October 23, 2002

PAY TO THE ORDER OF Brockway Ambulance Service $ 519.00

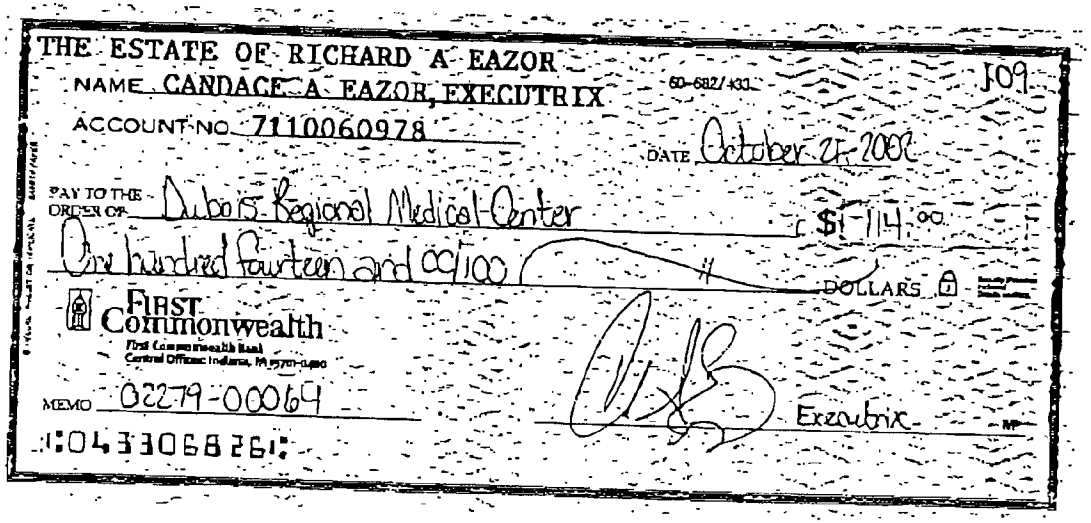
Five hundred Nineteen and 00/100 DOLLARS

First Commonwealth
First Commonwealth Bank
Central Offices: Indiana, PA 15701-3980

MEMO

Executrix

:043306826:



THE ESTATE OF RICHARD A EAZOR
NAME CANDACE A EAZOR, EXECUTRIX
60-682/433
109
ACCOUNT NO 7110060978
DATE October 27, 2002
PAY TO THE ORDER OF Dubois Regional Medical Center
$ 114.00
One hundred fourteen and 00/100
DOLLARS
First Commonwealth
First Commonwealth Bank
Central Offices: Indiana, PA 15701-3980
MEMO 02279-00064
Executrix
:043306826:

10/10/02 02:09 FAX 01

PLEASE DO NOT STAPLE IN THIS AREA

Requesting car insurance information

APPROVED OMB-0938-0008

XXX PICA

HEALTH INSURANCE CLAIM FORM

PICA XXX

1. MEDICARE (Medicare #) | MEDICAID (Medicaid #) | CHAMPUS (Sponsor's SSN) | CHAMPVA (VA File #) | GROUP HEALTH PLAN (SSN or ID) | FECA BLK LUNG (SSN) | OTHER (ID) X

1a. INSURED'S I.D. NUMBER (FOR PROGRAM IN ITEM 1): 184525367

2. PATIENT'S NAME (Last Name, First Name, Middle Initial): EAZOR, RICHARD , Jr.

3. PATIENT'S BIRTH DATE (MM DD YY): 06 29 1959 SEX: M X F

4. INSURED'S NAME (Last Name, First Name, Middle Initial): EAZOR, RICHARD , Jr.

5. PATIENT'S ADDRESS (No., Street): 200 MAIN STREET

6. PATIENT RELATIONSHIP TO INSURED: Self X Spouse Child Other

7. INSURED'S ADDRESS (No., Street): 200 MAIN STREET

CITY: BROCKWAY STATE: PA

8. PATIENT STATUS: Single Married Other; Employed Full-Time Student Part-Time Student

CITY: BROCKWAY STATE: PA

ZIP CODE: 15824 TELEPHONE (Include Area Code): (814)268-3375

ZIP CODE: 15824 TELEPHONE (INCLUDE AREA CODE): 814 268-3375

9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)

10. IS PATIENT'S CONDITION RELATED TO:

11. INSURED'S POLICY GROUP OR FECA NUMBER

a. OTHER INSURED'S POLICY OR GROUP NUMBER

a. EMPLOYMENT? (CURRENT OR PREVIOUS) YES X NO

a. INSURED'S DATE OF BIRTH (MM DD YY): 06 29 1959 SEX: M X F

b. OTHER INSURED'S DATE OF BIRTH (MM DD YY) SEX: M F

b. AUTO ACCIDENT? X YES NO PLACE (State): PA

b. EMPLOYER'S NAME OR SCHOOL NAME

c. OTHER ACCIDENT? YES X NO

c. INSURANCE PLAN NAME OR PROGRAM NAME

d. INSURANCE PLAN NAME OR PROGRAM NAME

10d. RESERVED FOR LOCAL USE

d. IS THERE ANOTHER HEALTH BENEFIT PLAN? YES X NO If yes, return to and complete item 9 a-d.

READ BACK OF FORM BEFORE COMPLETING & SIGNING THIS FORM.

12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE: I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below.

SIGNED: SIGNATURE ON FILE DATE: 10/06/02

13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE: I authorize payment of medical benefits to the undersigned physician or supplier for services described below.

SIGNED: SIGNATURE ON FILE

14. DATE OF CURRENT ILLNESS (First symptom) OR INJURY (Accident) OR PREGNANCY(LMP) (MM DD YY)

15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS GIVE FIRST DATE (MM DD YY)

16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION (MM DD YY) FROM TO

17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE: STAFF DOCTOR

17a. I.D. NUMBER OF REFERRING PHYSICIAN: OTH000

18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES (MM DD YY) FROM TO

19. RESERVED FOR LOCAL USE: AUTO ACCIDENT

20. OUTSIDE LAB? YES NO X $ CHARGES: 0 00

21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (RELATE ITEMS 1,2,3 OR 4 TO ITEM 24E BY LINE)

1. E819 Trama Arrest

2.

3.

4.

22. MEDICAID RESUBMISSION CODE: ORIGINAL REF. NO.

23. PRIOR AUTHORIZATION NUMBER: 15824

24. A DATE(S) OF SERVICE From MM DD YY	To MM DD YY	B Place of Service	C Type of Service	D PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS	MODIFIER	E DIAGNOSIS CODE	F $ CHARGES	G DAYS OR UNITS	H EPSDT Family Plan	I EMG	J COB	K RESERVED FOR LOCAL USE
10 06 02	10 06 02	41	9			1	685 00	1				
10 06 02	10 06 02	41	9			1	135 00	15				
10 06 02	10 06 02	41	9	A0422		1	42 00	1				

25. FEDERAL TAX I.D. NUMBER: 25-1261434 SSN EIN X

26. PATIENT'S ACCOUNT NO.: 00002204347

27. ACCEPT ASSIGNMENT? (For govt. claims, see back) X YES NO

28. TOTAL CHARGE: $ 862 00

29. AMOUNT PAID: $ 0 00

30. BALANCE DUE: $ 862 00

31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.)

Marilyn Becker

Billing Clerk

SIGNED DATE: 10/16/02

32. NAME AND ADDRESS OF FACILITY WHERE SERVICES WERE RENDERED (if other than home or office)

FROM: LONGWELL ROAD, BROCKWAY PA 158
TO: DUBOIS REGIONAL MED CTR DU390086

33. PHYSICIAN'S, SUPPLIER'S BILLING NAME, ADDRESS, ZIP CODE & PHONE #

PO Box 222
Brockway, PA 15824
PIN# 287985 GRP# (814) 268-8423

CARRIER

PATIENT AND INSURED INFORMATION

PHYSICIAN OR SUPPLIER INFORMATION

(APPROVED BY AMA COUNCIL ON MEDICAL SERVICE 8/88) PLEASE PRINT OR TYPE FORM HCFA-1500 (12-90) FORM CMS-1500 (12-90)

DETAIL STATEMENT

(814) 375-4200
FEDERAL I.D. NO. 25-1490707

TYPE OF BILL	DATE OF BILL	PAGE NO.
D1-ER	10/16/02	1

PATIENT NAME	PATIENT NUMBER	SEX	AGE	ADMISSION DATE	DISCHARGE DATE	DAYS
RICHARD EAZOR	02279-00064	M	43Y	10/06/02	10/06/02	

INSURANCE COMPANY NAME	GROUP NUMBER	POLICY NUMBER	PAYMENT AMOUNT
350001 AUTO INSURANCE	999999		
350002 AUTO INSURANCE PROF C	999999		
100001 BLUE CROSS 363	007764000	ZAX184525367	
105001 BLUE SHIELD PROF INDE	007764000	ZAX184525367	

GUARANTOR NAME AND ADDRESS
RICHARD EAZOR
200 MAIN STREET
BROCKWAY PA 15824

☐ CARD NO. _____
☐ EXPIRATION DATE _____
☐ SIGNATURE _____

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

DATE	ITEM NO.	DESCRIPTION	CLIN	ORDER NO.	QTY	UNIT PRICE	TOTAL CHARGES
10/06/02	94190	0.9% NS 1000 ML 7983-09	250	1	1	26.00	26.00
		TOTAL PHARMACY					26.00
10/06/02	16210	EMERGENCY DEPARTMENT VISIT L1	450		1	88.00	88.00
		TOTAL EMERGENCY ROOM					88.00
		TOTAL CHARGES					114.00
		TOTAL PAYMENTS/ADJUSTMENTS					0.00

Pd 10-21-02
Ck #109
$ 114.00
MS

PATIENT NUMBER	PAYMENT TO DUBOIS REGIONAL MEDICAL CENTER ONLY	TOTAL AMOUNT DUE	114.00
02279-00064			

PLEASE REFER TO PATIENT NUMBER ON ALL INQUIRIES AND CORRESPONDENCE.

PAYMENTS may be taken to the East or West registration areas or to the Business Office located at 207 Hospital Avenue.

PLEASE RETAIN FOR YOUR RECORDS

FILMED
Roll #424 Frame 1241

FILED

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

OCT 13 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 - 2003-CD

Type of Pleading: PLAINTIFF'S RESPONSE TO DEFENDANT'S NEW MATTER

Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

FILMED
Roll #464 Frame 404

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

OCT 13 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

PLAINTIFF'S RESPONSE TO DEFENDANT'S NEW MATTER

TO THE HONORABLE JOHN H. FORADORA, PRESIDENT JUDGE OF SAID COURT:

AND NOW, comes the Plaintiff by her Attorneys, **FERRARO & YOUNG**, and presents to your Honorable Court this Response to Defendant's New Matter of which the following is a concise summary:

20. DENIED. Defendant's paragraph 20 set forth an assertion of rights to which no response is required by Plaintiff but to the extent any response is requested by the Court, the response of the Plaintiff is that the averments of Defendant's paragraph 20 are DENIED and specific proof of the same is required at the trial of this matter.

21. DENIED. It is specifically DENIED that Plaintiff's damages were the result of decedent's own negligence and it is furthermore DENIED that Plaintiff is barred from any recovery. Specific proof is required at the trial of this matter. On the contrary, the damages set forth in the Complaint of Plaintiff were the result of Defendant's negligence.

22. DENIED. It is DENIED that decedent Richard A. Eazor assumed the risk of damages and it is DENIED that decedent Richard A. Eazor operated or attempted to operate the motor vehicle and it is DENIED that decedent acted or failed to act in such a manner at a time when he knew or should have known that to do so would result in injuries or damages about which the Complaint was filed. Specific proof of these averments is required at the trial of this matter. On the contrary, the decedent's damages

ENTERED

and injuries and those set forth in the Complaint were the result of Defendant's negligence.

23. DENIED. Defendant's paragraph 23 incorporates an Order and is therefore a paragraph to which no response is required by Plaintiff but to the extent any response is required by your Honorable Court the same is DENIED and specific proof of the averments alleged in Defendant's paragraph 23 are demanded at the trial of this case.

WHEREFORE, Plaintiff requests your Honorable Court enter judgment in favor of Plaintiff and against Defendant with prejudice.

FERRARO & YOUNG
Attorneys at Law

BY: Gregory M. Krude
Attorney for Plaintiff

eazor, richard – response to new matter (jeff cty)
cgm

I, CANDACE A. EAZOR, Administratrix, of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: October 13, 2003

Administratrix

Candace A. Eazor,
Administratrix of the
Estate of Richard A. Eazor

FILMED
Roll #484 Frame 407

FILED

SEP 2 9 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

ORDER

AND NOW, this 29th day of September, 2003, upon consideration of the Motion to Compel filed on behalf of defendant Lynn A. Sharp and any response thereto, it is hereby **ORDERED, ADJUGED AND DECREED** that the plaintiff shall within twenty (20) days:

1. File full, complete and responsive answers to defendant's Interrogatories; and
2. File a full, complete and responsive written answer to defendant's Request for Production of Documents; and
3. Produce all documents sought by way of defendant's Request for Production of Documents.

BY THE COURT:

J.

AMENDED

FILMED
Roll #421 Frame2408

FILED

SEP 26 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No. 48 CD 2003
Plaintiff,	**ANSWER AND NEW MATTER**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON SEPTEMBER 23 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #481 Frame 1703

FILED

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

OCT 29 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

ANSWER AND NEW MATTER

AND NOW, comes the defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Answer and New Matter in response to plaintiff's Amended Complaint, saying as follows:

1. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 1 of plaintiff's Amended Complaint; those allegations are denied, and strict proof thereof is demanded at the time of trial.

2. Admitted.

3. Admitted.

4. The allegations contained in Paragraph No. 4 of plaintiff's Amended Complaint are admitted in part and denied in part. It is admitted only that defendant Lynn A. Sharp's daughter Renee attended the Brockway Area School District. The remaining allegations contained in Paragraph No. 4 of plaintiff's Amended Complaint constitute conclusions of fact and/or law to which no response is required. In the event a response may be required, those allegations are denied, and strict proof thereof is demanded at the time of trial.

ENTERED

5. Denied. To the contrary, decedent Richard A. Eazor was operating defendant Lynn A. Sharp's motor vehicle on or about October 6, 2002 in the Sigel area of Jefferson County, Pennsylvania.

6. Denied. To the contrary, decedent Richard A. Eazor was the operator of the motor vehicle and defendant Lynn A. Sharp was the front passenger.

7. Denied. To the contrary, decedent Richard A. Eazor was the operator of the motor vehicle at the time of the accident.

8. Denied.

(a) through (k) Denied.

9. Denied.

10. Denied.

11. Denied.

COUNT 1 – WRONGFUL DEATH ACTION

12. By way of response to the allegations contained in Paragraph No. 12 of plaintiff's Amended Complaint, defendant Lynn A. Sharp hereby incorporates by references her responses to Paragraphs No. 1 through 11 thereof, as if fully set forth herein.

13. The allegations contained in Paragraph No. 13 of plaintiff's Amended Complaint constitute conclusions of law to which no response is required.

14. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 14 of plaintiff's Amended Complaint; those allegations are denied, and strict proof thereof is demanded at the time of trial.

15. Defendant is without sufficient knowledge or information, after reasonable investigation, to form a belief as to the truth of the allegations contained in Paragraph No. 15 of plaintiff's Amended Complaint; those allegations are denied, and strict proof thereof is demanded at the time of trial.

16. Denied.

(a) through (d) Denied.

WHEREFORE, defendant, LYNN A. SHARP, denies any and all liability to the plaintiff upon Count 1 of her Amended Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

COUNT II – SURVIVAL ACTION

17. By way of response to the allegations contained in Paragraph No. 17 of plaintiff's Amended Complaint, defendant Lynn A. Sharp hereby incorporates by reference her responses to Paragraphs No. 1 through 16 thereof, as if fully set forth herein.

18. The allegations contained in Paragraph No. 18 of plaintiff's Amended Complaint constitute conclusions of law to which no response is required.

19. Denied.

(a) through (e) Denied.

WHEREFORE, defendant, LYNN A. SHARP, denies any and all liability to the plaintiff upon Count II of her Amended Complaint, and respectfully requests that this Honorable Court enter judgment in her favor, with prejudice.

NEW MATTER

By way of further answer to the allegations contained on plaintiff's Amended Complaint, and in support of her defenses against those allegations, defendant Lynn A. Sharp sets forth the following statements as New Matter:

20. Defendant hereby raises and asserts the rights, privileges, defenses, and immunities provided to her within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa. C.S.A. Section 1701, et seq.

21. Plaintiff's alleged damages were the result of decedent Richard A. Eazor's own negligence, and as a consequence, the plaintiff is barred from any recovery.

22. Decedent Richard A. Eazor assumed the risk of any damages which the plaintiff has sustained by so operating or attempting to operate the motor vehicle, or by otherwise acting or failing to act in such a manner at a time when he knew or should have known that to do so would result in the injuries or damages about which the plaintiff now complains.

23. Defendant hereby incorporates by reference this Honorable Court's Order of May 1, 2003, which is attached hereto as Exhibit "A".

WHEREFORE, defendant, LYNN A. SHARP, denies any and all liability to the plaintiff upon her Amended Complaint, and respectfully requests that this Honorable Court enter judgment in her favor with prejudice.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. NO. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

Notice to Plead

To: Plaintiff

You are hereby notified to file a written response to the enclosed **New Matter** within twenty (20) days from service hereof or a judgment may be entered against you.

Attorney for Defendant

MAY - 2 2003
PG140NH

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA
CIVIL DIVISION

FILED

MAY 0 1 2003

PRO. & CLERK of COURTS

Candace A. Eazor. Administratrix Of the Estate of Richard Eazor	:	NO: 48-2003 CD
Plaintiff	:	
vs.	:	
Lynn A. Sharp	:	
Defendant	:	

ORDER

AND NOW, this 1st day of May, upon consideration of Defendant's Preliminary Objections to Plaintiff's Amended Complaint and after argument, this Court now Orders and Decrees the following:

1. Pennsylvania Law recognizes no filial consortium. To the extent that paragraph 16 (c) has meaning in reference to filial consortium, it is stricken; however, the paragraph stands as to whether there are actual or pecuniary losses.
2. The motion to strike the portion of paragraph 8 (k), "such other acts or omissions as may be revealed in the course of discovery," is granted.

BY THE COURT,

Hon. John H. Foradora, PJ

A TRUE COPY
ATTEST: _____
PROTHONOTARY - CLERK

EXHIBIT
tabbies
A

VERIFICATION

I, **LYNN A. SHARP**, do hereby verify that I have read the foregoing **Answer and New Matter**. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Lynn A. Sharp

Date: 9-10-03

FILMED
Roll # 421 Frame 1709

FILED

SEP 23 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	Case No.: 48 CD 2003
Plaintiff,	:	**Motion to Compel**
vs.	:	
LYNN A. SHARP,	:	Filed on behalf of Defendant
Defendant.	:	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	:	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 23rd DAY OF SEPTEMBER, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #421 Frame 1699

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

FILED
SEP 23 2003
TONYA S. GEIST
PRO. & CLERK of COURTS

MOTION TO COMPEL

AND NOW comes defendant Lynn A. Sharp, by and through her attorneys, McIntyre, Dugas, Hartye, & Schmitt, and respectfully requests that this Honorable Court order the plaintiff to within twenty (20) days file full, complete and responsive answers to her outstanding discovery requests, saying as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, it is alleged that defendant Lynn A. Sharp was operating a motor vehicle in which decedent Richard A. Eazor was a passenger, and that defendant Lynn A. Sharp was negligent in operating that motor vehicle, resulting in an one-car accident and the death of decedent Richard A. Eazor.

2. On May 23, 2003, defendant served Interrogatories and a Request for Production of Documents upon the plaintiff.

3. To date, the plaintiff has failed and/or refused in any matter whatsoever to respond to defendant's long-outstanding discovery requests, in violation of the Pennsylvania Rules of Civil Procedure applicable to discovery.

ENTERED

4. Defendant's outstanding discovery requests seek information and documentation which is essential to the further evaluation and defense of this matter, and to the extent the defendant is deprived of responses to her outstanding discovery requests, she is irremediably prejudiced.

WHEREFORE, defendant Lynn A. Sharp respectfully requests that this Honorable Court order the plaintiff to within twenty (20) days file full, complete, and responsive answers to defendant's outstanding ciscovery requests.

Respectfully submitted,

McIntyre, Dugas, Hartye, & Schmitt

By: _____

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire
P.A. No. 52459

P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 – Fax

FILMED
Roll #421 Frame 1701

FILED

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

AUG 25 2003

PROTHONOTARY/CLERK OF COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No. 48 CD 2003
Plaintiff,	**NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSES TO PLAINTIFF'S SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 22ND DAY OF AUGUST, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #419 Frame 1583

FILED

AUG 25 2003

PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

NOTICE OF SERVICE OF ANSWERS TO INTERROGATORIES AND RESPONSES TO PLAINTIFF'S SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS

TO: PROTHONOTARY

You are hereby notified that on the 22nd day of August, 2003, Defendant, Lynn A. Sharp, served Answers to Interrogatories and Responses to Plaintiff's Supplemental Request for Production of Documents on Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Gregory M. Kruk, Esquire
Ferraro & Young
690 Main Street
Brockway, PA 15824-1610

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D #: 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

ENTERED

FILMED
Roll #419 Frame 1584

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

FILED

JUN 23 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

Case No. 48 CD 2003

NOTICE OF SERVICE

Filed on behalf of Plaintiff

Counsel of Record for Plaintiff:

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

JURY TRIAL DEMANDED

ENTERED

FILMED
Roll # 414 Frame 1926

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff

vs.

LYNN A. SHARP, Defendant

Case No. 48 CD 2003

FILED

JUN 23 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

NOTICE OF SERVICE OF INTERROGATORIES DIRECTED TO DEFENDANT DATED JUNE 20, 2003

TO: PROTHONOTARY

You are hereby notified that on the 20TH day of June, 2003, Plaintiff, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, served Interrogatories dated June 20, 2003 on Defendant by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

LOUIS C. SCHMITT, JR., ESQ.
McINTYRE, DUGAS, HARTYE & SCHMITT
PO BOX 533
HOLLIDAYSBURG, PA 16648-0533

FERRARO & YOUNG

BY: _____
Attorney for Plaintiff

eazor - notice of service #2 – jefferson county
cgm

ENTERED

FILMED
Roll #414 Frame 1926

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

Case No. 48 CD 2003

NOTICE OF SERVICE

FILED

JUN 23 2003

Filed on behalf of Plaintiff

TONYA S. GEIST
PRO. & CLERK of COURTS

Counsel of Record for Plaintiff:

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

JURY TRIAL DEMANDED

ENTERED

FILMED
Roll #414 Frame 1923

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff

vs.

LYNN A. SHARP, Defendant

Case No. 48 CD 2003

FILED

JUN 23 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

NOTICE OF SERVICE OF SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEFENDANT DATED JUNE 20, 2003

TO: PROTHONOTARY

You are hereby notified that on the 20th day of June, 2003, Plaintiff, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, served a Supplemental Request for Production of Documents Directed to Defendant on Defendant by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

LOUIS C. SCHMITT, JR., ESQ.
McINTYRE, DUGAS, HARTYE & SCHMITT
PO BOX 533
HOLLIDAYSBURG, PA 16648-0533

FERRARO & YOUNG

BY: _____
Attorney for Plaintiff

eazor - notice of service – jefferson county
cgm

ENTERED

FILMED
Roll #414 Frame 1924

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

MAY 29 2003

TONYA C. GAUT
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**NOTICE OF SERVICE OF RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 27th DAY OF MAY, 2003.

Attorneys for Defendant

FILMED
Roll #413 Frame 1216

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

FILED

MAY 29 2003

PRO. & CLERK

NOTICE OF SERVICE OF RESPONSES TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

TO: PROTHONOTARY

You are hereby notified that on the 27th day of May, 2003, Defendant, Lynn A. Sharp, served **Responses to Plaintiff's Request for Production of Documents** on Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Gregory M. Kruk, Esquire
Ferraro & Young
690 Main Street
Brockway, PA 15824-1610

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D #: 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

FILMED
Roll #413 Frame 1217

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

MAY 27 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**NOTICE OF SERVICE**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 23rd DAY OF MAY, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #413 Frame 635

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

FILED

MAY 27 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

NOTICE OF SERVICE OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF DATED MAY 23, 2003

TO: PROTHONOTARY

You are hereby notified that on the 23rd day of May, 2003, Defendant, Lynn A. Sharp, served **Interrogatories and Request for Production of Documents Directed to Plaintiff Dated May 23, 2003** on Plaintiff by mailing the original of same via First Class U.S. Mail, postage prepaid, addressed to the following:

Gregory M. Kruk, Esquire
Ferraro & Young
690 Main Street
Brockway, PA 15824-1610

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorneys for Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D #: 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

ENTERED

FILMED
Roll #413 Frame 636

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA
CIVIL DIVISION

FILED

MAY 01 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

Candace A. Eazor. Administratrix Of the Estate of Richard Eazor	:	NO: 48-2003 CD
Plaintiff	:	
vs.	:	
Lynn A. Sharp	:	
Defendant	:	

ORDER

AND NOW, this 1st day of May, upon consideration of Defendant's Preliminary Objections to Plaintiff's Amended Complaint and after argument, this Court now Orders and Decrees the following:

1. **Pennsylvania Law recognizes no filial consortium. To the extent that paragraph 16 (c) has meaning in reference to filial consortium, it is stricken; however, the paragraph stands as to whether there are actual or pecuniary losses.**
2. **The motion to strike the portion of paragraph 8 (k), "such other acts or omissions as may be revealed in the course of discovery," is granted.**

BY THE COURT,

Hon. John H. Foradora, PJ

ENTERED

FILMED
Roll #409 Frame 1999

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

APR 11 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Praecipe for Argument**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 9TH DAY OF APRIL, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #408 Frame 890

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA Case No.: 48 CD 2003 JURY TRIAL DEMANDED

FILED

APR 11 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY:

KINDLY SUBMIT THIS MATTER TO
THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for argument is Preliminary Objections to Plaintiff's Amended Complaint.

2. Oral argument is requested.

3. This is not a discovery matter.

4. I certify that notice has been given to all counsel of record and to all unrepresented parties of record of the filing of this Praecipe.

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D. # 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

ENTERED

FILMED
Roll #408 Frame 891

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

APR 11 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Brief in Support of Preliminary Objections to Plaintiff's Amended Complaint**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: **McIntyre, Dugas, Hartye, & Schmitt** Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 9TH DAY OF APRIL, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #408 Frame886

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

FILED

APR 11 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS

AND NOW, comes the Defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and submits the following Statement of the Case and Arguments in support of her Preliminary Objections to Plaintiff's Amended Complaint, saying as follows:

STATEMENT OF THE CASE

This lawsuit arises out of a motor vehicle accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, it is alleged that Defendant Lynn A. Sharp was operating a motor vehicle in which Decedent Richard A. Eazor was a passenger, that Defendant Lynn A. Sharp was negligent in operating that motor vehicle, resulting in a one car accident and the death of Decedent Richard A. Eazor.

On January 21, 2003, the Plaintiff filed her original Complaint in this matter. The Defendant filed Preliminary Objections in response to the Plaintiff's original Complaint. On April 1, 2003, the Plaintiff served Defendant with a copy of her Amended Complaint. Defendant Lynn A. Sharp has filed Preliminary Objections to the Plaintiff's Amended Complaint requesting that this Honorable Court dismiss all claims of consortium, and strike Paragraphs 8 (k) and 16 (c) of Plaintiff's Amended Complaint.

ENTERED

ARGUMENTS

I. PENNSYLVANIA DOES NOT RECOGNIZE A CAUSE OF ACTION FOR LOSS OF FILIAL CONSORTIUM.

In her Amended Complaint, the Plaintiff alleges that Decedent Richard A. Eazor was survived by his parents. There is no allegation in the Plaintiff's Amended Complaint that Decedent Richard A. Eazor was married at the time of the accident on October 6, 2002, nor is there any allegations that he was living with his parents at the time of that accident, or was a minor. To the contrary, it is alleged in Plaintiff's Amended Complaint that Decedent Richard A. Eazor and Defendant Lynn A. Sharp were living together at Mr. Eazor's residence at the time of the accident.

Notwithstanding the fact that Decedent Richard A. Eazor was neither married, nor a minor, nor residing with his parents at the time of the accident, the Plaintiff in her Amended Complaint has set forth a claim for the loss of Decedent Richard A. Eazor's "support, comfort, counsel, aid, association, care and services" at Subparagraph (c) of Paragraph 16 of Plaintiff's Amended Complaint.

The Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. Section 8301, makes no provision for the recovery of loss of filial consortium by parents of an adult child. In fact, Pennsylvania has never recognized claims of filial consortium made by surviving parents, and those claims are in fact expressly barred under Pennsylvania law. See Brcwer v. City of Philadelphia, 124 Pa. Commw. 586, 557 A.2d 48, 50 (1989); Schroeder v. Ear, Nose & Throat Assoc., 383 Pa. Super. 440, 557 A.2d 21 (1989).

Accordingly, Plaintiff's claims for loss of filial consortium as set forth in her Amended Complaint must be dismissed with prejudice.

II. SUBPARAGRAPH (k) OF PARAGRAPH 8 OF PLAINTIFF'S AMENDED COMPLAINT IS IMPROPERLY VAGUE AND MUST BE STRICKEN.

Rule 1019(a) of the Pennsylvania Rules of Civil Procedure requires that the material facts upon which a cause of action is based be stated in concise and summary form. Material facts are those facts which sufficiently give the defendant clear and exact information as to what is claimed of him so that he may adequately prepare his defense. D'Antona v. Hampton Grinding Wheel Co., 225 Pa. Super. 120, 310 A.2d 307, 310 (1973).

The language contained in Subparagraph (k) of Paragraph 8 of Plaintiff's Amended Complaint fails to allege any specific factual basis whatsoever for any claims of negligence against Defendant Lynn A. Sharp, but merely alleges that the Defendant committed "[s]uch other acts or omissions as may be revealed in the course of discovery, or at the trial of this case." This language is vague and ambiguous and contains totally unsubstantiated conclusions of law. Further, it contains no factual statements whatsoever, and therefore Defendant Lynn A. Sharp's right and ability to defend herself in this matter will be unduly prejudiced. See Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983).

For the foregoing reasons, Subparagraph (k) of Paragraph 8 of Plaintiff's Amended Complaint must be stricken.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

FILMED
Roll #408 Frame 889

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

FILED

APR 11 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	Case No.: 48 CD 2003
Plaintiff,	:	**Preliminary Objections to Plaintiff's Amended Complaint**
vs.	:	
LYNN A. SHARP,	:	Filed on behalf of Defendant
Defendant.	:	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	:	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 9TH DAY OF APRIL, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #408 Frame 875

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA Case No.: 48 CD 2003 JURY TRIAL DEMANDED

FILED
APR 11 2003
TONYA S. GEIST
PRO. & CLERK of COURTS

PRELIMINARY OBJECTIONS TO
PLAINTIFF'S AMENDED COMPLAINT

AND NOW, comes Defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Preliminary Objections in response to Plaintiff's Amended Complaint, saying as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, it is alleged that Defendant Lynn A. Sharp was operating a motor vehicle in which Decedent Richard A. Eazor was a passenger, that Defendant Lynn A. Sharp was negligent in operating that motor vehicle, resulting in a one car accident and the death of Decedent Richard A. Eazor.

2. On January 21, 2003, the Plaintiff filed her Complaint in this matter. The Defendant filed Preliminary Objections in response to the Plaintiff's Complaint. On April 1, 2003, the Plaintiff served a Amended Complaint upon the Defendant. (See copy of Plaintiff's Amended Complaint, attached hereto as "Exhibit A".)

DEMURER

ENTERED

3. Defendant Lynn A. Sharp hereby incorporates by reference the allegations contained in Paragraphs No. 1 and 2 of these Preliminary Objections, as if fully set forth herein.

4. Plaintiff's Amended Complaint alleges at Paragraph 3 that Decedent Richard A. Eazor and Defendant Lynn A. Sharp were living together at the residence of Decedent Richard A. Eazor at the time of the accident. There is no allegation in the Plaintiff's Amended Complaint that Decedent Richard A. Eazor was married at the time of the accident, nor is there any indication he was residing with his parents. Notwithstanding this, there is an attempt in Paragraph 16(c) to recover for the "loss of the support, comfort, counsel, aid, association, care and services of the decedent;..."

5. The Pennsylvania Wrongful Death Act does not provide for damages in the nature of filial consortium, and Pennsylvania law has never recognized such a recovery.

MOTION TO STRIKE

6. Defendant Lynn A. Sharp hereby incorporates by reference the allegations contained in Paragraphs No. 1 and 2 of these Preliminary Objections, as if fully set forth herein.

7. Subparagraph (k) of Paragraph No. 8 of Plaintiff's Amended Complaint alleges that the negligence, carelessness, and recklessness of Defendant Lynn A. Sharp consisted of "[s]uch other acts or omissions as may be revealed in the course of discovery, or at the trial of this case." These vague and conclusory allegations are devoid of any factual specificity or basis whatsoever, in violation of "Pa. R.C.P. 1019(a),

and subparagraph (k) of Paragraph No. 8 of Plaintiff's Amended Complaint should be stricken.

WHEREFORE, Defendant, LYNN A. SHARP, respectfully requests that this Honorable Court grant the relief requested in these Preliminary Objections.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. No. 52459
P.O. Box 533
Hollidaysburg PA 16648
814/696-3581

Notice to Plead

To: Plaintiff

You are hereby notified to file a written response to the enclosed **Preliminary Objections** within twenty (20) days from service hereof or a judgment may be entered against you.

Attorney for Defendant

FILED

APR 01 2003

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 - 2003-CD
vs.	:	
LYNN A. SHARP, Defendant	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint and Notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Tonya Geist, Prothonotary
Jefferson County Courthouse
Brookville, PA 15825
814/849-1625

FERRARO & YOUNG
Attorneys at Law
690 Main Street

3 W

FILED

APR 01 2003

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 - 2003-CD
vs.	:	Type of Pleading: AMENDED COMPLAINT
LYNN A. SHARP, Defendant	:	Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff
	:	Counsel of Record for this Party:
	:	**FERRARO & YOUNG**
	:	**R. EDWARD FERRARO, ESQ.** Supreme Court No. 05880
	:	690 Main Street Brockway, PA 15824 814/268-2202

A TRUE COPY
ATTEST: PROTHONOTARY - CLERK

DEFENDANT'S EXHIBIT NO. "A"

FILED

APR 01 2003

TONYA S. GEIST
PROTHONOTARY & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 - 2003-CD
vs.	:	
LYNN A. SHARP, Defendant	:	

AMENDED COMPLAINT

AND NOW, comes **CANDACE A. EAZOR**, Administratrix of the Estate of her brother, **RICHARD A. EAZOR,** by and through her Attorneys, **FERRARO & YOUNG**, and files the within Amended Complaint against **LYNN A. SHARP** and sets forth the following concise facts:

1. **CANDACE A. EAZOR** is an adult individual who resides at 508 North Court, DuBois, PA (15801), and has been duly appointed as the Administratrix of the Estate of her brother, **RICHARD A. EAZOR**, by the Register of Wills of Jefferson County, PA, on October 17, 2002.

2. **LYNN A. SHARP** is an adult individual whose current address is 416 Maple Avenue, DuBois, Clearfield County, PA (15801).

3. At all times material to the within Complaint, the said **RICHARD A. EAZOR** and **LYNN A. SHARP** were living together at the residence of **RICHARD A. EAZOR** at Game School Road, RR #1, Polk Township, Jefferson County, PA

4. At all times material hereto, the Defendant, **LYNN A. SHARP**, had declared her residence as being that of **RICHARD A. EAZOR** in Polk Township, Jefferson County, Pennsylvania, and had enrolled her daughter, **Renee,** in the Brockway Area School District, and declared that address as her residence.

A TRUE COPY
ATTEST: _____
PROTHONOTARY - CLERK

5. On or about October 6, 2002, **LYNN A. SHARP** was driving her automobile in or about the Sigel area in Jefferson County, PA.

6. The said **RICHARD A. EAZOR** was a passenger sitting in the front passenger seat on the right hand side of the motor vehicle which was being operated by **LYNN A. SHARP** at all times material hereto

7. Without cause or reason from the Plaintiff, the said Defendant, **LYNN A. SHARP**, drove the motor vehicle in a negligent, careless and reckless manner so as to cause the same to leave the highway and strike a tree.

8. The negligence, carelessness and recklessness of **LYNN A. SHARP** consisted of one or more of the following acts:

(a) Operating the motor vehicle while intoxicated;

(b) Operating the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred;

(c) Failing to operate the motor vehicle on the right side of the roadway;

(d) Operating the motor vehicle without due regard to the rights, safety and well-being and position of Plaintiff under the circumstances;

(e) Operating the motor vehicle without regard to the current weather and road conditions;

(f) Operating the motor vehicle at such a speed so as to not be able to stop within her assured cleared distance;

(g) Failing to maintain the motor vehicle on the roadway;

(h) Failing to keep her vehicle under proper and adequate control;

(i) Failing to keep a careful and diligent watch on the road;

(j) Failing to comply with the provisions of the Pennsylvania Motor Vehicle Code relating to the operation of motor vehicles, specifically as they relate to the aforesaid acts of negligence; and

(k) Such other acts or omissions as may be revealed in the course of discovery, or at the trial of this case.

9. As a direct, proximate, natural, foreseeable and probable consequence of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, the said **RICHARD A.**

EAZOR suffered severe and fatal personal injuries, resulting in his death prior to arriving at the DuBois Regional Medical Center, which included blunt force to the head, blunt force to the face, fracture or dislocation of the face, blunt force to the chest, fracture or dislocation of the chest and soft, closed wound to the chest, all of which resulted in cardiac arrest, which is the direct and proximate result of the injuries sustained and the negligence of the Defendant.

10. As the direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered great pain, agony and inconvenience from the time of the collision until his death a short time later in Jefferson County, PA.

11. As a direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** has lost wages in the future and terminated any earning power.

COUNT 1 – WRONGFUL DEATH ACTION

12. Paragraphs 1 through 11 above are hereby incorporated in this Count by reference thereto as if fully set forth herein.

13. Plaintiff brings this action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. Cons. Stat. Ann. §8301 and Pa. R.C.P. No.§2202(a).

14. The decedent was survived by his parents, who are entitled to recover damages for his death.

15. The decedent did not bring an action for personal injuries during his lifetime, and no other action for death of the decedent has been commenced against the Defendant.

16. As a direct and proximate result of Defendant's negligence, decedent suffered and Defendant is liable for the following damages:

(a) funeral expenses for decedent;

(b) expenses of administration related to decedent's injuries;

(c) Plaintiff's deprivation and injury as a result of the loss of the support, comfort, counsel, aid, association, care and services of the decedent; and

(d) such other damages as are permissible in a Wrongful Death Action.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for a sum in excess of $25,000.00, plus interest and costs.

COUNT II – SURVIVAL ACTION

17. Paragraphs 1 through 16 above are hereby incorporated in this Count by reference thereto.

18. Plaintiff brings this Survival Action under 20 Pa. Cons. Stat. Ann. §3373 and 42 Pa. Cons. Stat. Ann. §8302.

19. As a direct and proximate result of Defendant's aforesaid acts of negligence, decedent suffered and Defendant is liable to Plaintiff for the following damages:

(a) Decedent's pain and suffering between the time of his injuries and the time of his death;

(b) Decedent's total estimated future earning power less his estimated cost of personal maintenance;

(c) Decedent's loss of retirement and Social Security income;

(d) Decedent's other financial losses suffered as a result of his death; and

(e) Such other damages as are permissible in a survival action.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for a sum in excess of $25,000.00, plus interest and costs.

JURY TRIAL IS DEMANDED

Plaintiff demands a jury trial on all the issues presented herein.

FERRARO & YOUNG

BY: _____
R. Edward Ferraro, Esq.
Attorney for Plaintiff

eazor, richard – AMENDED COMPLAINT #2
cgm

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 3-31-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILMED
Roll #408 Frame885

FILED

APR 01 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 - 2003-CD

Type of Pleading:
AMENDED COMPLAINT

Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

FILMED
Roll #407 Frame 1130

FILED

APR 01 2003

TONYA G. GEIST
PRO. & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 - 2003-CD
vs.	:	
LYNN A. SHARP, Defendant	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint and Notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Tonya Geist, Prothonotary
Jefferson County Courthouse
Brookville, PA 15825
814/849-1625

FERRARO & YOUNG
Attorneys at Law
690 Main Street
Brockway, PA 15824

Date: 3-31-03

BY: _____
R. Edward Ferraro

ENTERED

FILED

APR 01 2003

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

William A. Shaw
Prothonotary/Clerk of Courts

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 - 2003-CD
vs.	:	
LYNN A. SHARP, Defendant	:	

AMENDED COMPLAINT

AND NOW, comes **CANDACE A. EAZOR**, Administratrix of the Estate of her brother, **RICHARD A. EAZOR,** by and through her Attorneys, **FERRARO & YOUNG**, and files the within Amended Complaint against **LYNN A. SHARP** and sets forth the following concise facts:

1. **CANDACE A. EAZOR** is an adult individual who resides at 508 North Court, DuBois, PA (15801), and has been duly appointed as the Administratrix of the Estate of her brother, **RICHARD A. EAZOR**, by the Register of Wills of Jefferson County, PA, on October 17, 2002.

2. **LYNN A. SHARP** is an adult individual whose current address is 416 Maple Avenue, DuBois, Clearfield County, PA (15801).

3. At all times material to the within Complaint, the said **RICHARD A. EAZOR** and **LYNN A. SHARP** were living together at the residence of **RICHARD A. EAZOR** at Game School Road, RR #1, Polk Township, Jefferson County, PA

4. At all times material hereto, the Defendant, **LYNN A. SHARP**, had declared her residence as being that of **RICHARD A. EAZOR** in Polk Township, Jefferson County, Pennsylvania, and had enrolled her daughter, **Renee,** in the Brockway Area School District, and declared that address as her residence.

ENTERED

5. On or about October 6, 2002, **LYNN A. SHARP** was driving her automobile in or about the Sigel area in Jefferson County, PA.

6. The said **RICHARD A. EAZOR** was a passenger sitting in the front passenger seat on the right hand side of the motor vehicle which was being operated by **LYNN A. SHARP** at all times material hereto

7. Without cause or reason from the Plaintiff, the said Defendant, **LYNN A. SHARP**, drove the motor vehicle in a negligent, careless and reckless manner so as to cause the same to leave the highway and strike a tree.

8. The negligence, carelessness and recklessness of **LYNN A. SHARP** consisted of one or more of the following acts:

(a) Operating the motor vehicle while intoxicated;

(b) Operating the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred;

(c) Failing to operate the motor vehicle on the right side of the roadway;

(d) Operating the motor vehicle without due regard to the rights, safety and well-being and position of Plaintiff under the circumstances;

(e) Operating the motor vehicle without regard to the current weather and road conditions;

(f) Operating the motor vehicle at such a speed so as to not be able to stop within her assured cleared distance;

(g) Failing to maintain the motor vehicle on the roadway;

(h) Failing to keep her vehicle under proper and adequate control;

(i) Failing to keep a careful and diligent watch on the road;

(j) Failing to comply with the provisions of the Pennsylvania Motor Vehicle Code relating to the operation of motor vehicles, specifically as they relate to the aforesaid acts of negligence; and

(k) Such other acts or omissions as may be revealed in the course of discovery, or at the trial of this case.

9. As a direct, proximate, natural, foreseeable and probable consequence of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, the said **RICHARD A.**

EAZOR suffered severe and fatal personal injuries, resulting in his death prior to arriving at the DuBois Regional Medical Center, which included blunt force to the head, blunt force to the face, fracture or dislocation of the face, blunt force to the chest, fracture or dislocation of the chest and soft, closed wound to the chest, all of which resulted in cardiac arrest, which is the direct and proximate result of the injuries sustained and the negligence of the Defendant.

10. As the direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered great pain, agony and inconvenience from the time of the collision until his death, a short time later in Jefferson County, PA.

11. As a direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** has lost wages in the future and terminated any earning power.

COUNT 1 – WRONGFUL DEATH ACTION

12. Paragraphs 1 through 11 above are hereby incorporated in this Count by reference thereto as if fully set forth herein.

13. Plaintiff brings this action pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. Cons. Stat. Ann. §8301 and Pa. R.C.P. No.§2202(a).

14. The decedent was survived by his parents, who are entitled to recover damages for his death.

15. The decedent did not bring an action for personal injuries during his lifetime, and no other action for death of the decedent has been commenced against the Defendant.

16. As a direct and proximate result of Defendant's negligence, decedent suffered and Defendant is liable for the following damages:

(a) funeral expenses for decedent;

(b) expenses of administration related to decedent's injuries;

(c) Plaintiff's deprivation and injury as a result of the loss of the support, comfort, counsel, aid, association, care and services of the decedent; and

(d) such other damages as are permissible in a Wrongful Death Action.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for a sum in excess of $25,000.00, plus interest and costs.

COUNT II – SURVIVAL ACTION

17. Paragraphs 1 through 16 above are hereby incorporated in this Count by reference thereto.

18. Plaintiff brings this Survival Action under 20 Pa. Cons. Stat. Ann. §3373 and 42 Pa. Cons. Stat. Ann. §8302.

19. As a direct and proximate result of Defendant's aforesaid acts of negligence, decedent suffered and Defendant is liable to Plaintiff for the following damages:

(a) Decedent's pain and suffering between the time of his injuries and the time of his death;

(b) Decedent's total estimated future earning power less his estimated cost of personal maintenance;

(c) Decedent's loss of retirement and Social Security income;

(d) Decedent's other financial losses suffered as a result of his death; and

(e) Such other damages as are permissible in a survival action.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for a sum in excess of $25,000.00, plus interest and costs.

JURY TRIAL IS DEMANDED

Plaintiff demands a jury trial on all the issues presented herein.

FERRARO & YOUNG

BY: _____
R. Edward Ferraro, Esq.
Attorney for Plaintiff

eazor, richard – AMENDED COMPLAINT #2
cgm

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 3-31-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILMED
Roll #407 Frame 1136

COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA
CIVIL ACTION – LAW

FILED

MAR 18 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix Of the Estate of RICHARD A. EAZOR, Plaintiff,	:	
vs.	:	**No. 48 – 2003 C.D.**
LYNN A. SHARP, Defendant.	:	

ORDER FOR ORAL ARGUMENT

AND NOW, March 18, 2003, upon request of the defendant for oral argument,

IT IS HEREBY ORDERED that an Oral Argument has been scheduled and will be held on **THURSDAY, May 1, 2003 AT 11:00 A.M.** in Room 200 in the Jefferson County Courthouse, Brookville, Pennsylvania.

BY THE COURT,

P.J.

AMERICANS WITH DISABILITIES ACT OF 1990
If you are disabled and require special accommodations, please notify this office 72 Hours in advance of the above date at 814-849-1631 or 814-849-1621.

ENTERED

FILMED
Roll #405 Frame 2488

FILED

MAR 17 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Praecipe for Argument**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON MARCH 13, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #405 Frame 1698

FILED

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	
vs.	:	Case No.: 48 CD 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

MAR 1 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

PRAECIPE FOR ARGUMENT

TO THE PROTHONOTARY:

KINDLY SUBMIT THIS MATTER TO
THE COURT FOR ARGUMENT ONLY.

1. The matter to be submitted for argument is Preliminary Objections.

2. Oral argument is requested.

3. This is not a discovery matter.

4. I certify that notice has been given to all counsel of record and to all unrepresented parties of record of the filing of this Praecipe.

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant

Louis C. Schmitt, Jr., Esquire
PA I.D. # 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - Fax

ENTERED

FILMED
Roll #405 Frame 1699

FILED

MAR 17 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Brief in Support of Preliminary Objections**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON MARCH 13, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #405 Frame 1693

FILED

MAR 17 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	
vs.	Case No.: 48 CD 2003
LYNN A. SHARP,	
Defendant.	JURY TRIAL DEMANDED

BRIEF IN SUPPORT OF PRELIMINARY OBJECTIONS

AND NOW, comes the defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and submits the following Statement of the Case and Arguments in support of her Preliminary Objections, saying as follows:

STATEMENT OF THE CASE

This lawsuit arises out of a motor vehicle accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, it is alleged that defendant Lynn A. Sharp was operating a motor vehicle in which decedent Richard A. Eazor was a passenger, that defendant Lynn A. Sharp was negligent in operating that motor vehicle, resulting in a one car accident and the death of decedent Richard A. Eazor.

On January 21, 2003, the plaintiff filed her Complaint in this matter. Defendant Lynn A. Sharp was served with a copy of the plaintiff's Complaint on January 30, 2003.

ENTERED

Count I of plaintiff's Complaint seeks to combine both the wrongful death and survival causes of action alleged by the plaintiff against defendant Lynn A. Sharp, in violation of Pa. R.C.P. 1020(a), and should therefore be stricken.

Paragraphs No. 13 and 17 of plaintiff's Complaint claim damages with regard to decedent Richard A. Eazor's "loss of file."

Subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint alleges that the negligence, carelessness and recklessness of defendant Lynn A. Sharp consisted of "[s]uch other acts of negligence, carelessness and recklessness as may be determined through the process of discovery."

Defendant Lynn A. Sharp has filed Preliminary Objections, requesting that this Honorable Court strike Count I, Paragraph No. 13, 17, and subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint.

ARGUMENTS

I. COUNT I OF PLAINTIFF'S COMPLAINT IMPROPERLY COMBINES CAUSES OF ACTION, AND MUST BE STRICKEN.

The plaintiff in this matter is seeking to prosecute causes of action based on wrongful death and survivorship claims. Wrongful death and survivorship causes of action contain separate and distinct categories of recoverable damages, and are in fact two separate and distinct causes of action.

Pa. R.C.P. 1020(a) certainly allows a plaintiff to state in a Complaint more than one cause of action against the same defendant. However, that rule mandates that each cause of action and any special damage related thereto "shall be stated in a separate count containing a demand for relief."

Plaintiff's Complaint in this matter seeks to combine the wrongful death and survival causes of action together in one count, which is improper. For that reason, Count I of plaintiff's Complaint must be stricken.

II. PLAINTIFF IS NOT ENTITLED TO RECOVER DAMAGES FOR THE DECEDENT'S ALLEGED "DEATH" AND "LOSS OF LIFE"

Paragraphs No. 13 and 17 of plaintiff's Complaint seek to recover damages with regard to decedent Richard A. Eazor's "loss of life."

In a death case, damages may not be awarded for the decedent's "death", or for the loss of life or life's pleasures. See Willinger v. Mercy Catholic Medical Center, 482 Pa. 441, 393 A.2d 1188 (1978).

Because Pennsylvania does not recognize the damages claimed in Paragraphs No. 13 and 17 of plaintiff's Complaint, those paragraphs must be stricken.

III. SUBPARAGRAPH (h) OF PARAGRAPH NO. 9 OF PLAINTIFF'S COMPLAINT IS IMPROPERLY VAGUE AND MUST BE STRICKEN.

Rule 1019(a) of the Pennsylvania Rules of Civil Procedure requires that the material facts upon which a cause of action is based be stated in concise and summary form. Material facts are those facts which sufficiently give the defendant clear and exact information as to what is claimed of him so that he may adequately prepare his defense. D'Antona v. Hampton Grinding Wheel Co., 225 Pa. Super. 120, 310 A.2d 307, 310 (1973).

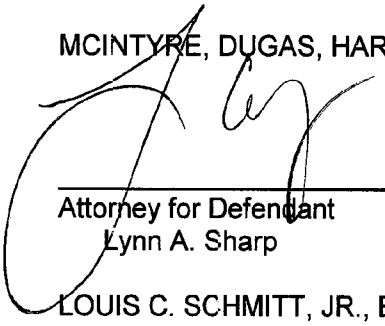
The language contained in subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint fails to allege any specific facts whatsoever, but merely alleges that the defendant committed "[s]uch other acts of negligence, carelessness, and recklessness as may be determined through the process of discovery." This language is vague and

ambiguous and contains totally unsubstantiated conclusions of law. Further, it contains no factual basis whatsoever, and therefore defendant Lynn A. Sharp's right and ability to defend herself in this matter will be unduly prejudiced. See Connor v. Allegheny General Hospital, 501 Pa. 306, 461 A.2d 600 (1983).

For the foregoing reasons, subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint should be stricken.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT



Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

FILMED
Roll #405 Frame1097

FILED

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

MAR 17 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Preliminary Objections**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON MARCH 13, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #405 Frame 1682

FILED

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA
Plaintiff,	:	MAR 17 2003
vs.	:	Case No.: 48 CD 2003 TONYA S. GEIST PRO. & CLERK of COURTS
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

PRELIMINARY OBJECTIONS

AND NOW, comes the defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, DUGAS, HARTYE & SCHMITT, and files the following Preliminary Objections in response to plaintiff's Complaint, saying as follows:

1. This lawsuit arises out of a motor vehicle accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, it is alleged that defendant Lynn A. Sharp was operating a motor vehicle in which decedent Richard A. Eazor was a passenger, that defendant Lynn A. Sharp was negligent in operating that motor vehicle, resulting in a one car accident and the death of decedent Richard A. Eazor.

2. On January 21, 2003, the plaintiff filed her Complaint in this matter. (See copy of plaintiff's Complaint, attached hereto as Exhibit "A".) Defendant Lynn A. Sharp was served with a copy of the plaintiff's Complaint on January 30, 2003.

MOTION TO STRIKE

3. Defendant Lynn A. Sharp hereby incorporates by reference the allegations contained in Paragraphs No. 1 and 2 of these Preliminary Objections, as if fully set forth herein.

ENTERED

4. Count I of plaintiff's Complaint seeks to combine both the wrongful death and survival causes of action alleged by the plaintiff against defendant Lynn A. Sharp, in violation of Pa. R.C.P. 1020(a), and should therefore be stricken.

DEMURRER/MOTION TO STRIKE

5. Defendant Lynn A. Sharp hereby incorporates by references Paragraphs No. 1 and 2 of these Preliminary Objections, as if fully set forth herein.

6. Paragraphs No. 13 and 17 of plaintiff's Complaint claim damages with regard to decedent Richard A. Eazor's "loss of file." Pennsylvania does not recognize a claim for the death of a decedent, or for the loss of a decedent's life or pleasures of life, and the claims made in Paragraphs No. 13 and 17 of plaintiff's Complaint should be dismissed.

MOTION TO STRIKE

7. Defendant Lynn A. Sharp hereby incorporates by reference the allegations contained in Paragraphs No. 1 and 2 of these Preliminary Objections, as if fully set forth herein.

8. Subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint alleges that the negligence, carelessness and recklessness of defendant Lynn A. Sharp consisted of "[s]uch other acts of negligence, carelessness and recklessness as may be determined through the process of discovery." These vague and conclusory allegations are devoid of any factual specificity or basis, in violation of Pa. R.C.P. 1019(a), and subparagraph (h) of Paragraph No. 9 of plaintiff's Complaint should be stricken.

WHEREFORE, defendant, LYNN A. SHARP, respectfully requests that this Court grant the relief requested in these Preliminary Objections.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

Notice to Plead

To: Plaintiff

You are hereby notified to file a written response to the enclosed **Preliminary Objections** within twenty (20) days from service hereof or a judgment may be entered against you.

Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED

JAN 21 2003

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 2003-CD

Type of Pleading: COMPLAINT

Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

3 cc Atty
265-8740

EXHIBIT
tabbies
A

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 2003-CD

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Tonya Geist, Prothonotary
Jefferson County Courthouse
Brookville, PA 15825
814/849-1625

FERRARO & YOUNG
Attorneys at Law
690 Main Street
Brockway, PA 15824

Date: 1/20/03

BY: R. Edward Ferraro

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

JAN 21 2003

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 2003-CD

COMPLAINT

AND NOW, comes **CANDACE A. EAZOR**, Administratrix of the Estate of her brother, **RICHARD A. EAZOR**, by and through her Attorneys, **FERRARO & YOUNG**, and files the within Complaint against **LYNN A. SHARP** and sets forth the following concise facts:

1. **CANDACE A. EAZOR** is an adult individual who resides at 508 North Court, DuBois, PA (15801), and has been duly appointed as the Administratrix of the Estate of her brother, **RICHARD A. EAZOR**, by the Register of Wills of Jefferson County, PA, on October 17, 2002.

2. **LYNN A. SHARP** is an adult individual whose current address is 416 Maple Avenue, DuBois, Clearfield County, PA (15801).

3. At all times material to the within Complaint, the said **RICHARD A. EAZOR** and **LYNN A. SHARP** were living together at the residence of **RICHARD A. EAZOR** at Game School Road, RR #1, Polk Township, Jefferson County, PA

4. At all times material hereto, the Defendant, **LYNN A. SHARP**, had declared her residence as being that of **RICHARD A. EAZOR** in Polk Township, Jefferson County, Pennsylvania, and had enrolled her daughter, **Renee**, in the Brockway Area School District, and declared that address as her residence.

COUNT I – WRONGFUL DEATH/SURVIVAL ACTION

5. Paragraphs 1 through 4 above are hereby incorporated in this Count by reference thereto.

6. On or about October 6, 2002, **LYNN A. SHARP** was driving her automobile in or about the Sigel area in Jefferson County, PA.

7. The said **RICHARD A. EAZOR** was a passenger sitting in the front passenger seat on the right hand side of the motor vehicle which was being operated by **LYNN A. SHARP** at all times material hereto

8. Without cause or reason from the Plaintiff, the said Defendant, **LYNN A. SHARP**, drove the motor vehicle in a negligent, careless and reckless manner so as to cause the same to leave the highway and strike a tree.

9. The negligence, carelessness and recklessness of **LYNN A. SHARP** consisted of one or more of the following acts:

(a) Operating the motor vehicle while intoxicated;

(b) Operating the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred;

(c) Failing to operate the motor vehicle on the right side of the roadway;

(d) Operating the motor vehicle without due regard to the rights, safety and well-being and position of Plaintiff under the circumstances;

(e) Operating the motor vehicle without regard to the current weather and road conditions;

(f) Operating the motor vehicle at such a speed so as to not be able to stop within her assured cleared distance;

(g) Failing to maintain the motor vehicle on the roadway; and

(h) Such other acts of negligence, carelessness and recklessness as may be determined through the process of discovery.

10. As a direct, proximate, natural, foreseeable and probable consequence of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, the said **RICHARD A. EAZOR** suffered severe and fatal personal injuries, resulting in his death prior to arriving

at the DuBois Regional Medical Center, which included blunt force to the head, blunt force to the face, fracture or dislocation of the face, blunt force to the chest, fracture or dislocation of the chest and soft, closed wound to the chest, all of which resulted in cardiac arrest, which is the direct and proximate result of the injuries sustained and the negligence of the Defendant.

11. As the direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered great pain, agony and inconvenience from the time of the collision until his death, a short time later in Jefferson County, PA.

12. As a direct and approximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** has lost wages in the future and terminated any earning power.

13. As a direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered the loss of his life.

14. Defendant, **LYNN A. SHARP**, is liable for the wrongful death and survival action for the loss of his life, said action by his family, heirs and his Estate, whose injuries, losses and death are the direct, proximate, natural, foreseeable and probable consequences of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct.

WHEREFORE, CANDACE A. EAZOR, Administratrix for the Estate of **RICHARD A. EAZOR** respectfully demands judgment against the Defendant for compensatory damages in an amount exceeding $20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

COUNT II – GROSS NEGLIGENCE

15. Paragraph 1 through 14 above are hereby incorporated in this Count by reference thereto.

16. The actions of **LYNN A. SHARP**, IN operating a motor vehicle while under the influence of blood alcohol content in excess of the legal limit as defined by the statutes of the Commonwealth of Pennsylvania, and at a time when Defendant was driving under the influence of alcohol constitutes gross negligence.

17. The actions of **LYNN A. SHARP** constitute deliberate, intentional or grossly negligent acts and as a result thereof, **RICHARD A. EAZOR** suffered the loss of his life as set forth in Count I.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for the following:

(a) Compensatory damages in excess of $20,000.00;

(b) Punitive damages;

(c) Costs of suit;

(d) Such other and further relief as the Court deems fair, just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all the issues presented herein.

Respectfully submitted,

BY: _____
Attorney for Plaintiff

eazor, richard – complaint
cgm

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-2-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILMED
Roll #405 Frame 1692

FILED

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

MAR 03 2003

PRO. & CLERK OF COURTS

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	Case No.: 48 CD 2003
Plaintiff,	**Praecipe for Appearance**
vs.	
LYNN A. SHARP,	Filed on behalf of Defendant
Defendant.	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 (814) 696-9399 Fax
	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON MARCH 5, 2003.

Attorneys for Defendant

ENTERED

FILMED
Roll #404 Frame 2398

FILED

FEB 21 2003

TONYA S. GEIST
PRO. & CLERK OF COURTS

No. 48 C.D. 2003

Now, January 21, 2003, after due and diligent search, could not find the within named LYNN A. SHARP, Defendant, in my bailiwick, viz; County of Jefferson, State of Pennsylvania. Therefore, I deputized the Sheriff of Clearfield County to serve the Notice and Complaint, whose return of service is attached hereto and hereby made a part of this return.

Advance Costs Received:	$50.00
My Costs:	$38.60 Paid
Clearfield Co. Costs pd.	
Directly by Atty:	$19.72
Total Costs:	$58.32
Refunded:	$11.40

So Answers,

Thomas A. Dempsey Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

FILMED
Roll #403 Frame 640

In The Court of Common Pleas of ~~Clearfield~~ County, Pennsylvania

Sheriff Docket # 13572

EAZOR, CANDACE A.

48 2003-CD

VS.

SHARP, LYNN A.

COMPLAINT

SHERIFF RETURNS

NOW JANUARY 30, 2003 AT 11:20 AM EST SERVED THE WITHIN COMPLAINT ON LYNN A. SHARP, DEFENDANT AT RESIDENCE, 416 MAPLE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LYNN A. SHARP A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HIM THE CONTENTS THEREOF.
SERVED BY: COUDRIET/RYEN

Return Costs

Cost	Description
19.72	SHFF. HAWKINS PAID BY; ATTY.

Sworn to Before Me This

11th Day Of Feb 2003

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

So Answers,

by Mandy Harp

Chester A. Hawkins
Sheriff

FILMED
Roll #403 Frame 041

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED

JUN 21 2003

PRO. & CLERK OF COURTS

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 2003-CD

Type of Pleading: COMPLAINT

Filed on Behalf of: Estate of Richard A. Eazor, Plaintiff

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

ENTERED

FILMED
Roll #400 Frame 909

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

FILED

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

NO. 48 2003-CD

JAN 21 2003

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Tonya Geist, Prothonotary
Jefferson County Courthouse
Brookville, PA 15825
814/849-1625

FERRARO & YOUNG
Attorneys at Law
690 Main Street
Brockway, PA 15824

Date: 1/20/03

BY: _____
R. Edward Ferraro

ENTERED

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	NO. 48 2003-CD
vs.	:	
LYNN A. SHARP, Defendant	:	

FILED

JAN 21 2003

TONYA S. GEIST
PRO. & CLERK of COURTS

COMPLAINT

AND NOW, comes **CANDACE A. EAZOR**, Administratrix of the Estate of her brother, **RICHARD A. EAZOR,** by and through her Attorneys, **FERRARO & YOUNG**, and files the within Complaint against **LYNN A. SHARP** and sets forth the following concise facts:

1. **CANDACE A. EAZOR** is an adult individual who resides at 508 North Court, DuBois, PA (15801), and has been duly appointed as the Administratrix of the Estate of her brother, **RICHARD A. EAZOR**, by the Register of Wills of Jefferson County, PA, on October 17, 2002.

2. **LYNN A. SHARP** is an adult individual whose current address is 416 Maple Avenue, DuBois, Clearfield County, PA (15801).

3. At all times material to the within Complaint, the said **RICHARD A. EAZOR** and **LYNN A. SHARP** were living together at the residence of **RICHARD A. EAZOR** at Game School Road, RR #1, Polk Township, Jefferson County, PA

4. At all times material hereto, the Defendant, **LYNN A. SHARP**, had declared her residence as being that of **RICHARD A. EAZOR** in Polk Township, Jefferson County, Pennsylvania, and had enrolled her daughter, **Renee**, in the Brockway Area School District, and declared that address as her residence.

ENTERED

COUNT I – WRONGFUL DEATH/SURVIVAL ACTION

5. Paragraphs 1 through 4 above are hereby incorporated in this Count by reference thereto.

6. On or about October 6, 2002, **LYNN A. SHARP** was driving her automobile in or about the Sigel area in Jefferson County, PA.

7. The said **RICHARD A. EAZOR** was a passenger sitting in the front passenger seat on the right hand side of the motor vehicle which was being operated by **LYNN A. SHARP** at all times material hereto

8. Without cause or reason from the Plaintiff, the said Defendant, **LYNN A. SHARP**, drove the motor vehicle in a negligent, careless and reckless manner so as to cause the same to leave the highway and strike a tree.

9. The negligence, carelessness and recklessness of **LYNN A. SHARP** consisted of one or more of the following acts:

(a) Operating the motor vehicle while intoxicated;

(b) Operating the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred;

(c) Failing to operate the motor vehicle on the right side of the roadway;

(d) Operating the motor vehicle without due regard to the rights, safety and well-being and position of Plaintiff under the circumstances;

(e) Operating the motor vehicle without regard to the current weather and road conditions;

(f) Operating the motor vehicle at such a speed so as to not be able to stop within her assured cleared distance;

(g) Failing to maintain the motor vehicle on the roadway; and

(h) Such other acts of negligence, carelessness and recklessness as may be determined through the process of discovery.

10. As a direct, proximate, natural, foreseeable and prcbable consequence of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, the said **RICHARD A. EAZOR** suffered severe and fatal personal injuries, resulting in his death prior to arriving

at the DuBois Regional Medical Center, which included blunt force to the head, blunt force to the face, fracture or dislocation of the face, blunt force to the chest, fracture or dislocation of the chest and soft, closed wound to the chest, all of which resulted in cardiac arrest, which is the direct and proximate result of the injuries sustained and the negligence of the Defendant.

11. As the direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered great pain, agony and inconvenience from the time of the collision until his death, a short time later in Jefferson County, PA.

12. As a direct and approximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** has lost wages in the future and terminated any earning power.

13. As a direct and proximate result of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct, **RICHARD A. EAZOR** suffered the loss of his life.

14. Defendant, **LYNN A. SHARP**, is liable for the wrongful death and survival action for the loss of his life, said action by his family, heirs and his Estate, whose injuries, losses and death are the direct, proximate, natural, foreseeable and probable consequences of **LYNN A. SHARP**'s negligence, carelessness and reckless conduct.

WHEREFORE, **CANDACE A. EAZOR**, Administratrix for the Estate of **RICHARD A. EAZOR** respectfully demands judgment against the Defendant for compensatory damages in an amount exceeding $20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

COUNT II – GROSS NEGLIGENCE

15. Paragraph 1 through 14 above are hereby incorporated in this Count by reference thereto.

16. The actions of **LYNN A. SHARP**, IN operating a motor vehicle while under the influence of blood alcohol content in excess of the legal limit as defined by the statutes of the Commonwealth of Pennsylvania, and at a time when Defendant was driving under the influence of alcohol constitutes gross negligence.

17. The actions of **LYNN A. SHARP** constitute deliberate, intentional or grossly negligent acts and as a result thereof, **RICHARD A. EAZOR** suffered the loss of his life as set forth in Count I.

WHEREFORE, Plaintiff demands judgment against the Defendant, **LYNN A. SHARP**, for the following:

(a) Compensatory damages in excess of $20,000.00;

(b) Punitive damages;

(c) Costs of suit;

(d) Such other and further relief as the Court deems fair, just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all the issues presented herein.

Respectfully submitted,

BY: _____
Attorney for Plaintiff

eazor, richard – complaint
cgm

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-2-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILMED
Roll #400 Frame 915

Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 2013 WDA 2004

November 30, 2004

Lynn A. Sharp
v
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor, Appellant

02-1890-CD

Candace A. Eazor, Administratix of the Estate of Richard A. Eazor, Appellant
v
Lynn A. Sharp

Initiating Document: Notice of Appeal

Case Status: Active

Case Processing Status: November 29, 2004 Awaiting Original Record

Journal Number:

Case Category: Civil CaseType: Trespass

Consolidated Docket Nos.: **Related Docket Nos.:**

SCHEDULED EVENT

Next Event Type: Docketing Statement Received Next Event Due Date: December 14, 2004

Next Event Type: Original Record Received Next Event Due Date: January 10, 2005

FILED 1cc
m 11:31 BK
DEC 02 2004
William A. Shaw
Prothonotary/Clerk of Courts

#40

Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 2013 WDA 2004

November 30, 2004

COUNSEL INFORMATION

Appellant Eazor, Candace A.
Pro Se: Appoint Counsel Status:
IFP Status: No

Appellant Attorney Information:

Attorney: Sundberg, Eugene C.
Bar No.: 45733 Law Firm: Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP
Address: Suite 300
300 State Street
Erie, PA 16507
Phone No.: (814)456-5301 Fax No.: (814)456-1112
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Attorney: Kruk, Gregory M.
Bar No.: 27048 Law Firm: Ferraro & Young
Address: 690 Main Street
Brockway, PA 15824
Phone No.: (814)268-2202 Fax No.:
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appellee Sharp, Lynn A.
Pro Se: Appoint Counsel Status:
IFP Status:

Appellee Attorney Information:

Attorney: Hopkins, David J.
Bar No.: 42519 Law Firm: Hopkins Heltzel, LLP
Address: 900 Beaver Drive
Du Bois, PA 15801
Phone No.: (814)375-0300 Fax No.: (814)375-5035
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Attorney: Schmitt, Louis Charles
Bar No.: 52459 Law Firm:
Address: P.O. Box 533
Hollidaysburg, PA 16648
Phone No.: Fax No.:
Receive Mail: Yes
E-Mail Address:
Receive E-Mail: No

Appeal Docket Sheet **Superior Court of Pennsylvania**

Docket Number: 2013 WDA 2004

November 30, 2004

FEE INFORMATION

Fee Date	Fee Name	Fee Amt	Paid Amount	Receipt Number
11/29/04	Notice of Appeal	60.00	60.00	2004SPRWD001505

TRIAL COURT/AGENCY INFORMATION

Court Below: Clearfield County Court of Common Pleas

County: Clearfield
Division: Civil
Date of Order Appealed From: October 22, 2004
Judicial District: 46
Date Documents Received: November 29, 2004
Date Notice of Appeal Filed: November 18, 2004
Order Type: Order Entered
OTN:
Judge: Cherry, Paul E.
Judge
Lower Court Docket No.: No. 02-1890 CD
No. 48-2003-CD

ORIGINAL RECORD CONTENTS

Original Record Item	Filed Date	Content/Description

Date of Remand of Record:

BRIEFS

DOCKET ENTRIES

Filed Date	Docket Entry/Document Name	Party Type	Filed By
November 29, 2004	Notice of Appeal Filed	Appellant	Eazor, Candace A.
November 30, 2004	Docketing Statement Exited (Civil)	—	Valecko, Eleanor R.

#39

11/19/04

Affidvait of Service, Copy of Order dated November 10, 2004, served on November 17, 2004 by first class mail upon Attorneys Kruk, Hopkins, and Sundberg. Filed by s/Louis C. Schmitt, Jr., Esquire. No CC

Original Not in File

#39

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

FILED

NOV 18 2004
01 2:30 bl
William A. Shaw
Prothonotary/Clerk of Courts
1 cert to Superior Ct.
1 cert to Atty

PROOF OF SERVICE OF NOTICE OF APPEAL

I hereby certify that I am this day serving copies of the foregoing Notice of Appeal, docket entries, and this Proof of Service on the following persons in the manner indicated below:

Service by First Class Mail addressed as follows:

David J. Hopkins, Esq.
Attorney for Lynn A. Sharp, Plaintiff
in the Court of Common Pleas of
Clearfield County, PA
900 Beaver Drive
DuBois, PA 15801

Louis C. Schmitt, Jr., Esq.
Attorney for Lynn A. Sharp, Defendant
in the Court of Common Pleas of
Jefferson County, PA
PO Box 533
Hollidaysburg, PA 16648

#38

Eugene C. Sundberg, Jr., Esq.
Attorney for Candace A. Eazor,
Administrator of the Estate of
Richard A. Eazor, Defendant
in the Court of Common Pleas
of Clearfield, PA
Suite 300, 300 State Street
Erie, PA 16507

Honorable Paul E. Cherry
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Court Reporter
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

Court Administrator
Clearfield County Courthouse
One North Second Street
Clearfield, PA 16830

I understand that any false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. Section 4904 (relating to unsworn falsification to authorities).

Dated: 11-18-04

FERRARO & YOUNG
Attorneys at Law

BY: Gregory M. Kruk

Gregory M. Kruk
PA Attorney ID No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

eazor, richard – NOTICE OF APPEAL - JOINT
cgm



FILED

NOV 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

FILED (12cc)
NOV 18 2004
01:30/c
William A. Shaw
Prothonotary/Clerk of Courts
1 cert to Sup. Court
$60.00 ck

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

RECORD
JUN 23 2004
PITTSBURGH OFFICE OF
SUPERIOR COURT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, as Plaintiff in the above-captioned case in the Court of Common Pleas of Jefferson County, PA, hereby appeals to the Superior Court of Pennsylvania from the Order entered in this matter on the 22nd day of October, 2004. This Order has been entered in the docket as evidenced by the attached copy of the docket entry. The undersigned requests a copy of the transcript pursuant to Rule 1911.

#31

FERRARO & YOUNG
Attorneys at Law

11-18-04

By: _____
Attorney for Plaintiff,
Candace A. Eazor, Administratrix

Gregory M. Kruk
PA Attorney ID No. 27048

690 Main Street
Brockway, PA 15824
814/268-2202

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Filed: 12/06/2002
Subtype: Civil Other

Physical File: Y Appealed: N

Comment:

Register of Actions

12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge,
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge,
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge,
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge,
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge,
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Cherry, Paul E.
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	Reilly, John K. Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	Reilly, John K. Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	Reilly, John K. Jr.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Cherry, Paul E.
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Cherry, Paul E.
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Cherry, Paul E.
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Cherry, Paul E.
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Cherry, Paul E.
	Certificate of Service, Answer To Pertition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Cherry, Paul E.
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Cherry, Paul E.
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Cherry, Paul E.
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Cherry, Paul E.
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Cherry, Paul E.
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Cherry, Paul E.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Cherry, Paul E.
05/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Cherry, Paul E.
05/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Cherry, Paul E.
06/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Cherry, Paul E.
06/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Cherry, Paul E.
06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Cherry, Paul E.
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Cherry, Paul E.
07/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Premit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Cherry, Paul E.
08/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Cndance A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Cherry, Paul E.

Clearfield County Court of Common Pleas
Complete Case History
2002-01890-CD

Lynn A. Sharp vs. Candace A. Eazor

Register of Actions

10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Cherry, Paul E.
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Cherry, Paul E.
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Cherry, Paul E.
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Cherry, Paul E.
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Cherry, Paul E.
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Cherry, Paul E.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	
	:	
vs.	:	No. 02-1890-CD
	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor	:	
CANDACE A. EAZOR, Administratrix of the Estate	:	
	:	
vs.	:	No. 48 C.D. 2003
	:	
LYNN A. SHARP	:	

ORDER

AND NOW, this 10th day of November, 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24 day of November, 2004, at 2:00 P.M, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

Paul E. Cherry

PAUL E. CHERRY
Judge

EGK FILED
012:26 BM 3 CC & Memo to Atty Schmitt
NOV 12 2004

Prothc

#39

OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830

DAVID S. MEHOLICK
COURT ADMINISTRATOR

PHONE: (814) 765-2641
FAX: 1-814-765-7649

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

October 29, 2004

Dear Counsel:

Please be advised that you are required to supply the Court with scheduling orders accompanying all Petitions, Motions, Pleadings of any sort that require a Court hearing/argument. This has been a long standing practice followed by the Court. The Court will no longer schedule unless the necessary scheduling order, with the appropriate wording, is furnished by the moving party.

Respectfully yours,

David S. Meholick
Court Administrator

OFFICE OF COURT ADMINISTRATOR
FORTY-SIXTH JUDICIAL DISTRICT OF PENNSYLVANIA

CLEARFIELD COUNTY COURTHOUSE
SUITE 228, 230 EAST MARKET STREET
CLEARFIELD, PENNSYLVANIA 16830
PHONE: (814) 765-2641
FAX: 1-814-765-7649

DAVID S. MEHOLICK
COURT ADMINISTRATOR

MARCY KELLEY
DEPUTY COURT ADMINISTRATOR

MEMO: To all parties filing Petitions/Motions in Clearfield County:

Please make note of the following:

Rule 206(f) The party who has obtained the issuance of a Rule to Show Cause shall forthwith serve a true and correct copy of both the Court Order entering the Rule and specifying a return date, and the underlying Petition or Motion, upon every other party to the proceeding in the manner prescribed by the Pennsylvania Rules of Civil Procedure (see PA. R.C.P. 440) and upon the Court Administrator.

Rule 206(g) The party who has obtained the issuance of a Rule to Show Cause shall file with the Prothonotary, within seven (7) days of the issuance of the Rule, an Affidavit of Service indicating the time, place and manner of service. Failure to comply with this provision may constitute sufficient basis for the Court to deny the prayer of the Petition or Motion.

***** Please note: This also includes service of scheduling orders obtained as the result of the filing of any pleading.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

LYNN A. SHARP, Plaintiff	CIVIL DIVISION
vs.	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff,	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA CIVIL DIVISION No. 48 C.D. 2003
vs.	
LYNN A. SHARP, Defendant	ISSUE: **Objection to Motion for Reconsideration** Filed on behalf of Defendant Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 3rd DAY OF November 2004.

Attorney for Defendant, Lynn A. Sharp

FILED NO CC
m/10:43 BY
NOV 05 2004
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 200__, upon consideration of the Motion for Reconsideration filed by Candace A. Eazor, Administratrix, and the responses thereto, it is hereby **ORDERED, ADJUDGED AND DECREED** that the Motion for Reconsideration is denied.

BY THE COURT:

_____

J.

LYNN A. SHARP,	: IN THE COURT OF COMMON PLEAS OF : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:
vs.	: No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:
Defendant	:

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	: IN THE COURT OF COMMON PLEAS OF : JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:
vs.	: Case No.: 48 C.D. 2003
LYNN A. SHARP,	:
Defendant.	: JURY TRIAL DEMANDED

OBJECTION TO MOTION FOR RECONSIDERATION

AND NOW, comes Defendant Lynn A. Sharp, by and through her attorneys, McIntyre, Dugas, Hartye & Schmitt, and files the following objection to the Motion for Reconsideration filed on behalf of the Administratrix of the Estate of Richard A. Eazor, saying as follows:

1. Admitted.

2. (a) Admitted.

(b) It is admitted that Lynn A. Sharp filed Motions for Summary Judgment and Partial Summary Judgment.

3. The Motion for Summary Judgment filed on behalf of Lynn A. Sharp speaks for itself. It is denied that the issue as to the negligence of Lynn A. Sharp (in the event she was found to be the driver of the vehicle at the time of accident) was not raised. There was extensive argument on that issue by several counsel at the time of the hearing on the Motions for Summary Judgment and for Partial Summary Judgment. Additionally, counsel for the Estate of Richard A. Eazor vigorously participated in the argument as to whether Lynn A. Sharp was negligent at the time of the accident, assuming she was the driver, and never objected to that argument at the hearing on the Motion for Summary Judgment. Moving counsel was very well aware that Lynn A. Sharp had, in her capacity as a defendant, requested total Summary Judgment in her favor, and not Partial Summary Judgment as was requested in the Motion filed on her behalf as a plaintiff.

4. Admitted.

5. It is admitted that Candace A. Eazor, Administratrix, asked the Court to reconsider its grant of Summary Judgment to Lynn A. Sharp in her capacity as a defendant.

(a) The police report of investigating officer Trooper Guy A. Battestilli is hearsay and cannot be considered by the Court in ruling on a Motion for Summary Judgment. Additionally, Trooper Battestilli was not a witness to the car accident, and is not an expert accident reconstructionist, and therefore any opinions he may have set forth in the investigating police report are inadmissible to prove negligence against defendant Lynn A. Sharp. See Rox Coal Co. v. WCAB (Snizaski), 807 A.2d 906 (Pa. 2002). Additionally, moving counsel cites

to the police report very selectively, and cuts off the sentence where it is indicated that the driver "applied *his* brakes . . . ", clearly indicating that Lynn A. Sharp was not even the driver at the time of the accident.

(b) For the reasons set forth in the foregoing paragraph, the police report is inadmissible hearsay and cannot be used to defeat a Motion for Summary Judgment.

(c) Denied. The fact the Ms. Stansell indicated that Lynn A. Sharp was drinking earlier in the evening does not translate into a question of fact as to whether she was negligent at the time of the accident. Moving counsel would have to show not only that Lynn A. Sharp had consumed alcohol, but that she had consumed alcohol to the extent her blood alcohol level was above the legal limit for intoxication, and there must be other corroborative evidence showing that she was intoxicated at that time of the accident. See Ackerman v. Delcomico, 336 Pa. Super. 569, 486 A.2d 410, 414 (1984). No such evidence exists.

(d) Denied. Moving counsel participated in the argument on the Motion for Summary Judgment, argued vigorously that there was evidence Lynn A. Sharp was negligent, lost the argument, and now wants to come in after the fact and take the position the argument should never have taken place. There was no objection to the argument, and it has to be assumed moving counsel was aware that defendant Lynn A. Sharp had filed a Motion for total Summary Judgment, requesting that all claims be dismissed against her.

(e) Denied. Moving counsel never requested additional time to complete discovery with regard to the issues of negligence, but represented to

the Court that discovery was completed with regard to the liability issues. If moving counsel believed discovery was not complete, moving counsel could have filed a request with the Court to delay the hearing on the Motion for Summary Judgment, and/or during the argument could have raised the issue that discovery was not complete on the issue as to the liability of defendant Lynn A. Sharp. He did neither, and is not entitled to reopen discovery now because he lost the Motion.

(f) Neither admitted nor denied. However, the Court's decision was based on the lack of the liability of the driver, whether that driver was Lynn A. Sharp or not, and newly acquired evidence pointing to the fact that she was the driver has no impact on the Court's finding that the driver of the vehicle was not negligent, no matter who that driver was.

(g) It is denied that there were incorrect remarks at the argument on the Motion for Summary Judgment. The mere fact that an accident has occurred, or that someone was unable to avoid an accident, whether they skidded in an effort to do so or not, is not sufficient in Pennsylvania to give rise to negligence. The mere happening of an accident, or the inability of an individual to avoid one, means nothing. See generally, Mohler v. Jeke, 407 Pa. Super. 478, 595 A.2d 1247 (1991).

(h) Admitted.

6. Denied. The moving counsel argued extensively against defendant Lynn A. Sharp being granted Summary Judgment in the event that she was the driver. There was simply no basis in the record for finding her liable, even if one were to assume

she was driving the vehicle at the time of the accident. There is still nothing in the record to so indicate she was liable. The mere fact that an accident occurred and someone died as a result, means nothing when it comes to putting in a case against the alleged driver for negligence. Moving counsel has failed to come up with any admissible evidence indicating that Lynn A. Sharp was negligent at the time of the accident, assuming she was the driver. The Court's decision is sound, and the Motion for Reconsideration should be denied.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

Attorney for Defendant, Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA ID. No. 52459

P. O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581
(814) 696-9399 - FAX

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

RULE TO SHOW CAUSE

AND NOW, this 1st day of November, 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by **FERRARO & YOUNG**, Attorneys at Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24 day of November, 2004 at 2:00 o'clock, P. M. in Courtroom No. 2, Clearfield County Courthouse, Clearfield, Pennsylvania (16830) at which time Oral Argument will be held with Briefs to be filed on or before the ___ day of _____, 2004.

FILED
09:25 BA 2cc atty Ferraro
NOV 02 2004

BY THE COURT:

Paul E. Cherry
Judge

William A. Shaw
Prothonotary

#34

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of the Motion for Reconsideration filed by Candace A. Eazor, Administratrix, by and through her Attorneys, **FERRARO & YOUNG**, and the responses thereto, it is hereby **ORDERED, ADJUDGED AND DECREED** that this Court's Order of October 22, 2004 granting Lynn A. Sharp's Motion for Summary Judgment filed in the case originating in Jefferson County is hereby modified and amended and the Court does hereby deny Lynn A. Sharp's Motion for Summary Judgment filed in the case originating in Jefferson County and docketed at No. 48 CD 2003.

BY THE COURT:

_____
Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED 2cc
10 01:00 BH Atty
OCT 29 2004
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Motion for Reconsideration filed on behalf of Candace A. Eazor, Administratrix, was forwarded by First Class Mail, Postage Prepaid, on the 29th day of October, 2004, to all counsel of record, addressed as follows:

DAVID J. HOPKINS, ESQ.
900 Beaver Drive
DuBois, PA 15801

LOUIS C. SCHMITT, JR., ESQ.
PO Box 533
Hollidaysburg, PA 16648

#33

EUGENE C. SUNDBERG, JR., ESQ.
Suite 300, 300 State Street
Erie, PA 16507

FERRARO & YOUNG
Attorneys at Law

BY: _____
Attorney for
Candace A. Eazor, Administratrix

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

FILED EOK 2cc Atty
02:06 BD
OCT 29 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

MOTION FOR RECONSIDERATION

TO THE HONORABLE PAUL E. CHERRY, JUDGE OF SAID COURT:

AND NOW comes **CANDACE A. EAZOR**, Administratrix of the **ESTATE OF RICHARD A. EAZOR,** by her Attorneys, **FERRARO & YOUNG**, Attorneys at Law, and files this Motion for Reconsideration of which the following is a concise summary:

1. Candace A. Eazor is the Administratrix of the Estate of Richard A. Eazor and is Defendant in the above-captioned case at No. 02-1890-CD (Clearfield County) and is Plaintiff in the above-captioned case at No. 48 CD 2003 (Jefferson County).

2. The history of this case shows that:

(a) Lynn A. Sharp, in the Clearfield County case, filed a Motion for **PARTIAL** Summary Judgment on or about June 21, 2004.

#32

(b) Lynn A. Sharp, in the Jefferson County case, filed a Motion for Summary Judgment, which simply incorporated the Motion for **PARTIAL** Summary Judgment of Lynn A. Sharp in the Clearfield County case, on or about June 24, 2004.

3. Thus, the filed Motions before this Court, as filed by Lynn A. Sharp, were limited to the relief requested in the Motion for **PARTIAL** Summary Judgment as filed by Lynn A. Sharp in the Clearfield County case, wherein the relief requested was that "This Honorable Court grant Plaintiff's request for Partial Summary Judgment on the issue of who was driving the motor vehicle and declare as a matter of law that Richard A. Eazor was the driver of the motor vehicle when it collided with the tree on the night of October 6, 2002."

4. Your Honorable Court entered an Order dated October 22, 2004 which granted Lynn A. Sharp's Motion for Summary Judgment filed in the case originating in Jefferson County.

5. Candace A. Eazor, Administratrix, asks your Honorable Court for reconsideration of its grant of Summary Judgment to Lynn A. Sharp in the case originating in Jefferson County for the following reasons:

(a) Your Honorable Court's Decision to grant Summary Judgment appears to totally ignore the official Police Report of Investigating Officer Trooper Guy A. Battestilli, which said Police Report was a part of his transcript testimony and of Lynn A. Sharp's Brief in Support of the Motion for Partial Summary Judgment wherein it is stated "Unit #1 was traveling North on SR 949 and came to a right hand curve. Unit #1 was traveling <u>too fast</u> to negotiate the curve (emphasis added)". A copy of page 8 of the Police Report is attached as Exhibit "A" to this Motion.

(b) Your Honorable Court's Decision also appears to ignore another portion of the Official Police Report wherein it is stated that "Operator #1 applied his brakes causing Unit 1 to skid. Unit #1 skidded <u>across the Southbound lane and traveled onto the West berm. Unit #1 then struck a tree... (emphasis addeded).</u>" This indication shows that the driver of the vehicle did not have the vehicle in control if it crossed out of its own lane into the other lane and off of the other side of the highway. A copy of page 8 of the Police Report is attached as Exhibit "A" to this Motion.

(c) Your Honorable Court's Decision also appears to ignore deposition testimony of Tammy Stansell where in it is stated on pages 15 (lines 19-25) and 16 (lines 1-21) that Lynn A. Sharp indicated to Tammy Stansell that she had been drinking alcohol earlier that evening. A copy of pages 15 and 16 of the deposition transcript testimony of Tammy Stansell are attached to this Motion and marked as Exhibit "B".

(d) Your Honorable Court's Decision granted a request which was **NOT** a part of the Motion for Partial Summary Judgment filed by Defendant Lynn A. Sharp in the Clearfield County Case at No. 02-1890-CD and **NOT** a part of the Motion for Summary Judgment filed by Lynn A. Sharp as Defendant in the Jefferson County Case at No. 48 CD 2003. The said Motions for Partial Summary Judgment and Summary Judgment contained **NO REQUEST** that a grant of Summary Judgment be issued on the matter of the evidence showing negligence. The Motions were limited to the issue of the identity of the driver of the vehicle only.

(e) Your Honorable Court's grant of Summary Judgment occurs at a time when the discovery has not been completed on the issue of negligence, which was an issue not even raised by the Motions, and is improper legally because of the lack of time provided to Candace A. Eazor, Administratrix, and the other parties, to develop the issue of negligence in these cases, which said cases were not yet certified for trial or placed on the trial list.

(f) Additional evidence has been acquired by Candace A. Eazor, Administratrix, showing that Lynn A. Sharp was in fact the driver of the vehicle and this evidence should be considered by your Honorable Court before issuing the Motion for Summary Judgment, although it is on the issue of the identity of the driver of the vehicle. Attached as Exhibit "C" is the Expert Report of Dr. John Lyons, received at the same time that your Honorable Court's Decision was made.

(g) It is believed that there were remarks made by one of the attorneys for Lynn A. Sharp at the Argument on the Motion for Partial Summary Judgment that there were no skid marks at the accident site and this is wrong. There clearly were skid marks at the accident scene indicating a vehicle being driven too fast and not in the control of the driver. A copy of page 7 of the Police Report showing the diagram and the skid marks is attached to this Motion as Exhibit "D". A copy of the transcript of the Oral Argument is requested.

(h) In accordance with the case law on Motions for Summary Judgment, your Honorable Court was to grant the request only in the clearest of cases and the Court is required to examine the entire record in the light most favorable to the party opposing the Motion.

6. Your Petitioner believes that reconsideration will serve the interest of justice and will warrant a different decision than the Order of October 22, 2004 and will result in providing judicial economy considering the consolidated status of these cases

and the need for Candace A. Eazor, Administratrix, to appeal the Decision to Superior Court if in fact the Order of October 22, 2004 is not reconsidered and changed.

WHEREFORE, Petitioner requests your Honorable Court grant her Motion for Reconsideration.

FERRARO & YOUNG,
Attorneys at Law

BY: _____
Attorney for
Candace A. Eazor, Administratrix

eazor, richard – joint counties – motion for reconsideration
cgm

COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

New ● Change/Continuation ○ Delete Page

P0373577

AA 45 8 1 00360 Page: 8

Witness, and other information here. It is not required to restate information from the form.

Agency: JEFFERSON EMS Medical Facility: DUBOIS HOSPITAL

Witness 1: WILLIAM COX Address: 1000 W. POINT DR PITTSBURGH, PA 15205 Phone: (412) 498-9212

Witness: REBECCA BARRACLOUGH Address: 1000 W. POINT DR APT 33 PITTSBURGH, PA 15205 Phone: (412) 498-9212

Narrative: UNIT #1 NO CELL PHONE PRESENT —

UNIT #1 WAS TRAVELING NORTH ON SR 949 AND CAME TO A RIGHT HAND CURVE. UNIT #1 WAS TRAVELING TOO FAST TO NEGIOATE THE CURVE. OPER #1 APPLIED HIS BRAKES CAUSING UNIT #1 TO SKID. UNIT #1 SKIDDED ACROSS THE SOUTHBOUND LANE AND TRAVELED ONTO THE WEST BERM. UNIT #1 THEN STRUCK A TREE LOCATED 7'6" WEST OF THE ROADWAY. UNIT #1 PIVOTED APROX 30° COUNTERCLOCKWISE AFTER IMPACT. UNIT #1 CAME TO REST AGAINST THE TREE FACING NORTHWEST.

BOTH OCCUPANTS WERE TRANSPORTED BY THE WITNESSES TO THE HOME OF BARRACLOUGH'S PARENTS.

COX AND BARRACLOUGH WERE INTERVIEWED AT THE SCENE AT 0530 HRS ON 10/06/02 AND STATED "WE WERE OUT DRIVING AND WE CAME UP TO THIS CAR. THE MAN WAS OUT WALKING AROUND. HE SAID THAT THE GIRL WAS DRIVING AND THAT SHE HAD SWERVED TO MISS A DEER. THE GIRL WAS SITTING IN THE PASSENGER SEAT WITH HER FEET OUTSIDE THE DOOR. SHE WAS MOANING AND SHE SAID HER NAME WAS LYNN. HE SAID HE HAD BEEN DRINKING EARLIER. HE SAID THAT THE GIRL HAD BEEN UP WALKING AROUND AND SHE SAT DOWN THERE. WE GOT TO OUR HOUSE AND HE DIDNT HAVE A PULSE."

BOTH WITNESSES PROVIDED WRITTEN STATEMENTS WHICH WILL BE PLACED IN THE ATTACHMENT FILE.

TPRS BALL AND SCHREKENGOST OF PSP DUBOIS WENT TO THE BARRACLOUGH RESIDENCE AND DUBOIS HOSPITAL AND WILL PROVIDE A SUPPLEMENTAL REPORT.

MORE

EXHIBIT 'A'

PENNDOT COPY

he asked or if the nurses there asked, but they did ask about who was driving the vehicle, and she said she was.

Q. When you say they asked, did you actually hear them ask, or was this told to you by someone else?

A. No. I heard them ask the patient.

Q. Can you give us your best recollection of how many times that question was asked?

A. No, I could not. At least once.

Q. And how far approximately were you from Lynn Sharp when she responded in that manner?

A. Holding her feet.

Q. Was Luke Crosley also in the emergency room with you?

A. Luke was in the emergency room. Whether he stayed the whole time or not, I can't say that, but he was in the emergency room.

Q. And he also was in the ambulance.

A. He was in the ambulance for the whole transfer.

Q. Were there any statements made by Lynn Sharp about drinking that evening to you?

A. I asked if they drank -- if she drank, and she said she had beer.

Q. When did you ask that question?

A. In the vehicle, when she was still in the vehicle, before she was taken out of the back seat of the vehicle.

EXHIBIT "B"

Q. So that would have been shortly after your arrival?
A. Directly after my arrival.
Q. At the Palmer residence?
A. That's correct.
Q. Can you recall specifically the question you asked?
A. If she had been drinking or using drugs.
Q. And what was her response?
A. That she had four to five beers.
Q. Did she say where she had those four to five beers?
A. No, she did not.
Q. Did she say when she had those four to five beers?
A. No, she did not. And I wouldn't have asked those questions anyways. I just asked, "Were you drinking?" I didn't care where they drank at.
Q. You needed to know for medical reasons?
A. For medical reasons because different medications that you would give to raise blood pressures, if there were street drugs involved, recreational drugs, that could have an effect on the blood pressure, heart rate, and you would be treating something the wrong way. So for treatment purposes I ask those questions.
Q. How long did you stay at the hospital that evening or early morning?
A. Very long.
Q. Do you recall until what time?

ANALYTIC BIOMEDICAL ENGINEERING

John C. Lyons, MD, FACS, MSME

October 21, 2004

Gregory M. Kruk, Esq.
690 Main Street
Brockway, PA 15824

RE: Eazor v. Sharp

Dear Attorney Kruk:

I have reviewed the following material regarding Eazor v. Sharp:

1. Commonwealth of Pennsylvania Police Crash Report
2. Photographs of the 1989 Chevrolet Corsica
3. Depositions from the following:
   - Mark A. Schrecengost
   - Guy A. Battestilli
   - Tammy Stansell
   - Lynn A. Sharp
   - Candace A. Eazor
   - Robert J. Ball
   - Rebecca Louise Barraclough
   - William Joseph Cox
   - Samuel Luke Crossley
4. Medical records for Richard Eazor from the following:
   - Brockway Area Ambulance/DuBois EMS
   - DuBois Regional Medical Center
   - Autopsy Report and Photographs
   - Coroner's Field Report
   - Toxicology Report
5. Medical records for Lynn Sharp from the following:
   - Brockway Area Ambulance/DuBois EMS
   - DuBois Regional Medical Center
   - Allegheny General Hospital
   - Radiology reports and films
6. Lance E. Robson, PE/Lisa Ferrara Report

Additionally, I examined the Chevrolet Corsica which was involved in the motor vehicle accident of 10/6/02.

EXHIBIT C

2152 South Shore Drive, Erie, PA 16505
(814) 455-2170 • FAX (814) 455-9119

Environmental Data

Commonwealth of Pennsylvania Police Crash Report:
According to the police report, the accident occurred on 10/6/02 at 3:40 AM. The Sharp vehicle was traveling too fast to negotiate a right hand curve, skidded, and struck a tree. Mr. Eazor was listed as the driver, Lynn Sharp as a passenger, although from the witness statements, Mr. Eazor reported that Ms. Sharp was the driver.

Photographs and Repair Estimate for the 1989 Chevrolet Corsica:
Black and white photographs were received and examined. No repair estimate is available.

Accident Reconstruction:
Accident reconstruction is limited to the diagram and narrative of the Police Crash Report.

Medical Data – Richard Eazor

Brockway Area Ambulance/Dubois EMS:
There were two ambulance records for review, one from Brockway Area Ambulance, and another from DuBois EMS. The Brockway record was brief; the DuBois EMS record was more detailed.

The DuBois physical exam record of Mr. Eazor noted copious coffee ground emesis. There was no obvious trauma noted of the head, but the bottom jaw was thought fractured. The skin was cold and cyanotic. The patient was apneic, pulseless and unresponsive. A contusion was noted on the lower chest/upper abdomen "that appeared to have been caused by the bottom of the steering wheel. It was a semi-circular line that curved upward." The sternum reflected a "redness" and EMT CPR compressions were considered "mushy." The abdomen was distended, firm and mottled. There was no apparent trauma to the legs.

The patient was unresponsive to CPR and transported to DuBois Regional Medical Center.

DuBois Regional Medical Center ER:
The DuBois Regional Medical Center records were limited. The patient was listed as DOA (p.1 of 7). A chest contusion was diagramed on page 3 of the ER record. The certificate for anatomical donation (donation not performed) listed the cause of death as multiple chest trauma.

Autopsy Report:
The autopsy was performed by Harold R. Cottle, MD on 10/7/02 from 8:05 to 8:50 AM. Pertinent findings included:

1. "Three, faint, red, contusive marks in a pattern of concentric arches over the lower mid-chest anteriorly and abrasions over the anterolateral aspect of the left upper arm and the left elbow posteriorly" (p. 2).

2. "Subcutaneous hematomas of some size are present over the anterolateral chest on the right and the anterolateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein" (p. 2 & 3).

3. No sign of head injury:
    a. Grey-brown hair of ordinary male length (p. 3).
    b. A slight abrasion over the bridge of the nose (p. 3).
    c. "The throat and mouth are of ordinary appearance..." (p. 3).
    d. Teeth were in a good state of repair (p. 3).
    e. Face was unremarkable (p. 3).
    f. "The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise" (p. 7).

4. The neck was "of ordinary appearance and not remarkable. The larynx and hyoid bone and their immediately associated soft tissues, are intact, lie in the midline and show no evidence of local trauma" (p. 4).

5. The chest revealed:
    a. Fractures of the right ribs 1-10 in the anterior to mid-axillary lines (p. 4).
    b. Fractures of the left ribs 1-10 in the anterior axillary line (p. 4).
    c. A sternal fracture at the junction of the manubrium and body (p. 4).
    d. The lungs revealed multi-focal congestion and hemorrhage (p. 5).

6. There were no fractures of:
    a. The skull (p. 4).
    b. The neck (p. 4).
    c. The upper extremities (p. 4).
    d. The lower extremities (p. 4).

7. The liver revealed superficial lacerations of the anterior right lobe (p. 5).

8. The brain was not removed for examination (p 7).

From the autopsy report, there was no finding for a jaw fracture. The autopsy diagnosis was "Crushing Chest Injury" (p. 1).

Autopsy Photographs:
Concussive marks over the lower mid-chest anteriorly were described in the autopsy as a pattern of concentric arches (three, faint, red). The color photographs that have been advanced reveal faint slightly curvilinear lesions that grossly match the ventilation surface of the passenger compartment dash. They do not match to the geometry of the steering wheel or its surface texture.

Medical Data – Lynn Sharp

Brockway Area Ambulance/DuBois EMS:
According to the BLS and ALS reports, Ms. Sharp's principal complaint was respiratory difficulty (Brockway, DuBois p. 1). Additional complaints included low back pain and jaw pain (Brockway p. 1). The patient was also found to have a compound fracture of the right ankle, with deformity of the right leg. She had progressive bruising to the bilateral chest area. "There was negative head trauma noted at this time. Pt did not have any battle signs or other bleeding about the head." (DuBois p. 2)

The patient stated that she was the driver. (DuBois p. 2)

DuBois Regional Medical Center ER:
According to the emergency room records, the chief complaints included chest pain, lower back pain and abdominal pain. An open fracture of the right ankle was observed. Abrasion over the upper chest was noted by nursing (p. 5 of 7). Bruising of the left chest wall was noted and diagramed on the physician record. A left sided pneumothorax was treated by chest tube placement. Clinical impressions included contusion to the face and chest, pneumothorax, open fracture right ankle, laceration right knee. The patient was then transferred to the trauma team for further management.

Allegheny General Hospital:
According to the Trauma History and Physical, the patient arrived at Allegheny on 10/6/02 at 7:20 AM. Some of the records are difficult to read either because of the writing or the lightness of the copy. The body schematic on the comprehensive physical was noteworthy for the right leg injuries. The diagram did not identify lesions elsewhere. The initial injuries of concern included a left frontal hemorrhage, right occipital contusion, grade III splenic laceration, open ankle fracture and a tibial plateau fracture (trauma center flow sheet). With admission and workup, the orthopedic injuries of a right tibial plateau fracture, right ankle dislocation and left mid-foot fracture dislocation all required operative intervention. The pneumothorax cleared with a chest tube. Arteriography

revealed no operative lesion of the abdomen. This was also true of the intracranial pathology, where no operative intervention was required.

Some notations did record lesser lesions. The nursing note of 10/6/02 at 7:21 AM recorded left breast ecchymosis. The orthopedic consult of 10/6/02 described a large abrasion directly overlying the right tibial tubercle, as well as an abrasion over the mid shin and a large laceration about the ankle. The left foot revealed Lisfranc joint edema. There was also dorsal hand edema on the left. The operative note of 10/6/02 described the right ankle lesion as a long diagonal laceration over the anterior lateral aspect of the joint, without visible foreign bodies in the wound. Most of the other records, however, focused to the more serious injuries with limited comment to any superficial lesions.

DuBois Regional Medical Center Rehab Admission:
The patient was transferred from Allegheny General to DuBois Regional Medical Center for in-patient rehab on 10/24/02. The historical trauma injuries included:

1. Tension pneumothorax
2. Hemoperitoneum
3. Splenic laceration
4. Traumatic brain injury
5. Multiple bilateral lower extremity fractures
6. Rib fractures
7. Multiple lacerations
8. Pseudomonas pneumonia
9. DVT
10. Left frontal intracranial hemorrhage
11. Right occipital brain contusion
12. Status post ORIF right tibia, fibula, and ankle
13. Status post ORIF left Lisfranc injury
14. Multiple lacerations and ecchymotic areas

At the time of admission the patient had a staring expression, described on physical examination as a "head injury stare." Cognitive function was diminished.

The patient was admitted for rehab and, according to the discharge summary, she demonstrated various areas of improvement.

Radiology:
Chest x-ray, dated 10/6/02 (0612), revealed a minimal left-sided pneumothorax. Post chest tube insertion film (0750) revealed right mid and lower lung pulmonary contusions. Various follow-up films revealed bilateral opacities.

Brain CT scan, dated 10/6/02, revealed intracranial hemorrhage in the left frontal region. Follow-up CT revealed possible parenchymal hemorrhage in the right cerebellar region (10/7/02); blood in the posterior cistern (10/8/02); soft tissue swelling of the left parietal scalp (10/8/02), and an MRI of 10/11/02 suggested a potential left posterolateral temporal lobe infarct.

CT of the cervical spine revealed no vertebral fractures, but non-displaced fractures of the left posterior first through third ribs were identified. (These were not reported on the chest films.)

Left hand and wrist films, dated 10/6/02, were negative.

Left foot film, dated 10/6/02, revealed a fracture of the medial cuneiform.

Right knee films, dated 10/6/02, revealed a severely comminuted fracture of the proximal right tibia and lateral tibial plateau. A fibular head and fibular shaft fracture were also noted.

Right ankle films, dated 10/6/02, revealed a non-displaced fracture of the mid shaft of the fibula and a comminuted fracture of the distal fibula.

CT of the right lower extremity, dated 10/6/02, confirmed a severely comminuted proximal tibial fracture.

The abdominal CT, dated 10/6/02, identified hemoperitoneum; rule out splenic lacerations.

Additional Data

Lance E. Robson, PE/Lisa A. Ferrara Report 2/2/04:
Noted.

John C. Lyons, MD Vehicle Inspection 8/4/04:
I personally examined the Sharp vehicle on 8/4/04.

Depositions

Deposition of Mark A. Schrecengost:
Noted.

Deposition of Guy A. Battestilli
Noted.

Deposition of Tammy Stansell:
Noted.

Deposition of Lynn A. Sharp:
Noted.

Deposition of Candace A. Eazor:
Noted.

Deposition of Robert J. Ball:
Noted.

Deposition of Rebecca Louise Barraclough:
Noted.

Deposition of William Joseph Cox
Noted.

Deposition of Samuel Luke Crossley:
Noted.

Impression

With a reasonable degree of medical engineering certainty, Lynn Sharp was the driver in the motor vehicle accident of 10/6/02.

Witness Data:
According to the EMS Field Record (85706932, p. 2), Lynn Sharp identified herself as the driver. The DuBois emergency room record notes that Lynn Sharp "states she was driving car" (p. 5 of 7). This fact was confirmed by Officer Schrecengost (MAS deposition p.8). Mr. Eazor reported to Ms. Barraclough that Lynn Sharp was the driver (RLB deposition p. 9). This statement was confirmed by Mr. Cox (WJC deposition p. 18). The Pennsylvania Police Crash Report identifies Richard Eazor as the driver, despite the reported statements to the contrary by both Mr. Eazor and Lynn Sharp. In consideration of the available environmental and medical data, with a reasonable degree of medical and biomedical engineering certainty, Lynn Sharp was correct in her statement that she was the driver and that Richard Eazor was the passenger.

Environmental and Medical Data:
The windshield damage indicates that the driver impacted the glass more aggressively than the passenger. The passenger's glass is starred, but the driver's glass is shattered with an irregular seven-inch diameter penetration. A severe head injury and laceration of the scalp may not have occurred for the passenger, but with a reasonable degree of scientific certainty, a more severe head injury, including possible laceration, might be expected for the driver. According to the autopsy report, the minutely examined scalp and skull of Mr. Eazor revealed no evidence of trauma, and the autopsy photographs appear to confirm this impression. As of this writing, Lynn Sharp's acute-care physical exam records are limited as to potential scalp lesions, but the 10/8/02 head CT scan reveals notable soft tissue swelling of the left parietal scalp and substantial intracranial injury. Of the two patient records, the head injuries of Ms. Sharp are most consistent with the windshield damage on the driver's side. The absence of head injury for Mr. Eazor is most consistent with the windshield findings on the passenger side. Further, the placement of Mr. Eazor as the driver raises an inconsistency between head injury and windshield damage. On the basis of the two head injuries and the windshield damage, Lynn Sharp was the driver.

With regard to chest injuries, both occupants were at risk when unrestrained. Both the driver and occupant compartments reflect forward occupant impact, which might correlate with various chest injuries, but Mr. Eazor's injuries do not match as well to the steering wheel impression damage – the rib lesions are more linear and extensile. Lynn Sharp's more centrally diagramed chest injury matches reasonably to the steering wheel/column damage. The passenger dash lends itself to a more uniform impression pattern, fitting better to Mr. Eazor's pattern. (An alternate mechanism for Mr. Eazor's manubrium and rib fractures includes resuscitation efforts.) Considering the dash geometries, with a reasonable degree of biomedical engineering certainty, Lynn Sharp's chest injuries were due to steering wheel/column impact, whereas Mr. Eazor's chest injuries are more consistent with impact to the passenger dash versus resuscitation trauma. Further, Mr. Eazor's skin lesions grossly match to the passenger side dash ventilation geometry, and are inconsistent with the texture and geometry of the steering wheel, removing him from the driver's compartment.

With regard to the lower extremity injuries, Ms. Sharp's injuries most reasonably match Lynn Sharp to the driver's position. Foot and ankle injuries are not uncommonly encountered with emergency braking in front-end collisions. Given the smaller brake pedal size, double foot panic braking seems unlikely, but her foot and ankle injuries could occur with this mechanism. The floor pan and lower dash distortions of this compartment, do match to a potential brace and brake response resulting in the observed knee, leg, ankle and foot fracture pattern. More specifically, the left Lisfranc and right

ankle fractures match best to the driver's floor pan and brake geometry, not the more benign passenger compartment deformity. The right knee fracture and abrasions (J.H., MD consult 10/6/02) best match to the observed right-sided driver dash crush. The passenger compartment does not offer this correlating geometry. The passenger floor reveals more limited distortion. The passenger side dash impressions – faint for the right knee, slight but more definitive for the left knee – correlate best with limited knee injury. Lynn Sharp's lower extremity injuries pattern most reasonably for the driver's position, and Mr. Eazor's uninjured lower extremity findings pattern best for the passenger compartment.

When the car was examined, effort was made to identify potential tissue specimens that might assist in driver identification. The police crash report (p. 9) noted short brown hair stuck to the windshield on the driver's side, although Officer Battestilli recalled seeing no blood in the driver's compartment on the night of the injury (p. 20). Unfortunately, hair was not apparent when I expected the vehicle on 8/4/04. Further, given the windshield defect, water has pooled on the dash and floor, and mold and other small vegetations were noted throughout the front seats, compromising the identification of any potential human tissue. Still, specimen swabs could be obtained for analysis if desired, but the reliability of the result at this date is of some concern. Biomechanically, this effort appears unnecessary given the interior damage and patient injuries.

From a review of the available data, with a reasonable degree of scientific certainty, Lynn Sharp was the driver of the Chevrolet Corsica on 10/6/02.

Sincerely,

John C. Lyons, MD, FACS, MSME

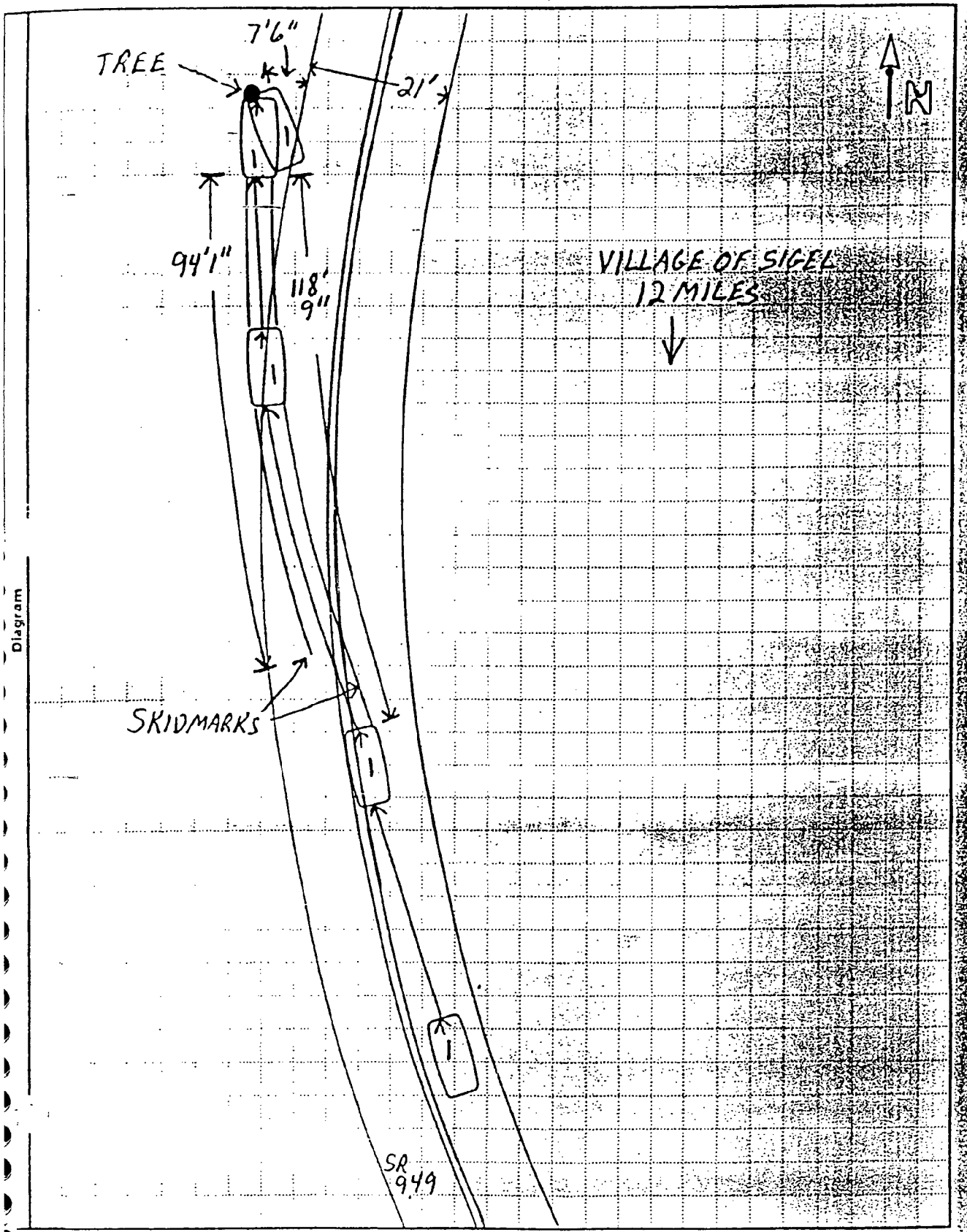
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COMMONWEALTH OF PENNSYLVANIA
POLICE CRASH REPORTING FORM

Crash Number P 073577

New
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Diagram

EXHIBIT "D"

FORM # AA-45 (01-01)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DOCKET

FILED
0 3:37
OCT 22 2004
William A. Shaw
Prothonotary

LYNN A. SHARP,
PLAINTIFF,

v.

CANDACE A. EAZOR, Administrator of the estate of Richard A. Eazor,
DEFENDANT.

No. 02-1890-CD

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CIVIL DOCKET

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
PLAINTIFF,

v.

LYNN A. SHARP,
DEFENDANT.

No. 48 C.D. 2003

ORDER

NOW, this 22nd day of October, 2004, following oral argument and the submission of briefs on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows:

1. The Court hereby DENIES Lynn A. Sharp (Plaintiff Sharp)'s Motion for Partial Summary Judgment in the case originating in Clearfield County and docketed at No. 02-1890-CD (hereafter "Case No. 02-1890-CD"). Summary judgment is proper when the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits demonstrate that there exists no genuine issue of material fact and the moving party is entitled to judgment as a matter

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DOCKET

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OCT 22 2004
William A. Shaw
Prothonotary

LYNN A. SHARP, PLAINTIFF,	:	
v.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the estate of Richard A. Eazor, DEFENDANT.	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CIVIL DOCKET

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, PLAINTIFF,	:	
v.	:	No. 48 C.D. 2003
LYNN A. SHARP, DEFENDANT.	:	

ORDER

NOW, this 22nd day of October, 2004, following oral argument and the submission of briefs on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows:

1. The Court hereby DENIES Lynn A. Sharp (Plaintiff Sharp)'s Motion for Partial Summary Judgment in the case originating in Clearfield County and docketed at No. 02-1890-CD (hereafter "Case No. 02-1890-CD"). Summary judgment is proper when the pleadings, depositions, answers to interrogatories, admissions on file, and affidavits demonstrate that there exists no genuine issue of material fact and the moving party is entitled to judgment as a matter

of law. In determining whether to grant summary judgment a trial court must resolve all doubts against the moving party and examine the record in a light most favorable to the non-moving party. Piluso v. Cohen, 764 A.2d 549, 550 (Pa.Super.2000). Summary judgment may only be granted in cases where it is clear and free from doubt the moving party is entitled to judgment as a matter of law. Id. After having given the matter the appropriate amount of consideration, the Court is satisfied that the several statements made by Plaintiff-Sharp on the night in question that identify herself as the driver are sufficient to create an issue of material fact on that point sufficient to warrant the denial of Plaintiff-Sharp's Motion for Partial Summary Judgment. Since the identity of the driver is a central issue of the case, summary judgment cannot be granted. Ryan v. Furey, 437 Pa. 96, 262 A.2d 305 (1970).

Further, despite the evidence in the record that seemingly indicates that Defendant-Eazor was the driver at the time of the accident, to grant Plaintiff-Sharp's Motion for Partial Summary Judgment would require the Court to disregard the statements she made following the accident as being not credible. To do so would be incorrect, as to reach a conclusion regarding the credibility of a witness or evidence is improper in the context of a summary judgment motion, as credibility is not a proper determination at the summary judgment stage. Resolution Trust Corp. v. Urban Redevelopment Authority, 536 Pa. 219, 638 A.2d 972 (1994). Plaintiff-Sharp's Motion for Partial Summary Judgment in Case No. 02-1890-CD is DENIED.

2. The Court hereby GRANTS Lynn A. Sharp (Defendant-Sharp)'s Motion for Summary Judgment filed in the case originating in Jefferson County and docketed at No. 48 C.D. 2003 (hereafter, "Case No. 48 C.D. 2003"). The Court finds that Plaintiff Candace A. Eazor (Plaintiff-Eazor) failed to adduce sufficient evidence on issues essential to her case and on which she would have the burden at trial. Specifically, the Court finds that Plaintiff-Eazor has failed to

adduce any evidence that Defendant-Sharp was negligently operating the automobile at the time in question and thereby caused the accident.

Plaintiff-Eazor is the non-moving party in regard to Defendant-Sharp's Motion for Summary Judgment filed in Case No. 48 C.D. 2003 and obviously has the burden at trial to prove that Defendant-Sharp was both operating the automobile at the time of the accident and doing so negligently. In responding to a Motion for Summary Judgment, a non-moving party having the burden of proof at trial is required to "adduce sufficient evidence on an issue essential to its case and on which it bears the burden of proof such that a jury could return a verdict favorable to the non-moving party". Biernacki v. Presque Isle Condominiums Unit Owners Association, Inc., 828 A.2d 1114, 1116 (Pa.Super. 2003). Plaintiff-Eazor did argue at oral argument and in her brief the existence of a rebuttable legal presumption that Defendant-Sharp was the driver of the automobile at the time of the accident by virtue of her ownership of the car.[1] However, she did not present any evidence that Defendant-Sharp negligently operated the automobile and thereby caused the accident resulting in Mr. Eazor's mortal injuries. Consequently, as she has not met her burden as stated in Biernacki, supra, summary judgment is appropriate. Defendant-Sharp's Motion for Summary Judgment in Case No. 48 C.D. 2003 is HEREBY GRANTED.

By the Court,

Paul E Cherry

Judge

[1] The Court's research indicates that there is in fact older case law to the effect that an owner of a vehicle who is in the vehicle at the time of an accident is presumed to be operating the vehicle at that time by virtue of the fact that she was the owner of the automobile and thereby was exercising control over it. However, the Court does not feel this point determinative of Defendant-Sharp's Motion for Summary Judgment as, while Plaintiff-Eazor presented argument regarding rebuttable presumption as to who was driving the automobile may be correct, she presented no evidence as to whether or not it was *negligently* operated. Consequently, it is on that essential point that the Court grants summary judgment.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

NOTICE OF SERVING ANSWERS TO EXPERT INTERROGATORIES DIRECTED TO CANDACE A. EAZOR

TO THE PROTHONOTARY:

Please take notice that on this the 20TH day of August, 2004, the undersigned has served Answers to Expert Interrogatories Directed to Candace A. Eazor upon plaintiff, Lynn A. Sharp, in the above-captioned action.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Attorneys for Defendant, Candace A. Eazor,
Administratrix of the Estate of Richard A. Eazor,
Deceased
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

FILED
AUG 23 2004
William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answers to Expert Interrogatories Directed to Candace A. Eazor was mailed by first class mail, postage prepaid, or hand delivered this 20TH day of August, 2004, to all counsel of record and unrepresented parties in the above-captioned matter.

cert to Atty

#30

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	NO. 02-1890-CD

FILED No cc
m/10:43Bd
JUL 23 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	:	No. 48 – CD - 2003 (Coordinated in the Court of Common Pleas of Clearfield County, Pennsylvania)

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA
SS:
COUNTY OF JEFFERSON

GREGORY M. KRUK, ESQ., being duly sworn according to law, deposes and states that he personally served a "Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Permit Inspection of Vehicle", a copy of which is attached, upon David J. Hopkins, Esq., Attorney for Lynn A. Sharp in the above-captioned case at No. 02-1890-CD and upon Louis C. Schmitt, Jr. , Esq., Attorney for Lynn A. Sharp in the above-captioned case at No. 48-CD-2003 at the Clearfield County Courthouse, Second Floor, on Monday, July 19, 2004 by personally handing the same to those two individuals.

Gregory M. Kruk
Gregory M. Kruk, Esq.

Sworn to and subscribed before me
this 23rd day of July, 2004.

Sally A. Allgeier
Notary Public

Notarial Seal
Sally A. Allgeier, Notary Public
Brockway Boro, Jefferson County
My Commission Expires Mar. 26, 2007
Member, Pennsylvania Association of Notaries

(28)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED No CC
m/11:26 BK
JUL 15 2004
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administrator of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Plaintiff	:	
v.	:	
	:	NO. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	(Coordinated in the Court of Common Pleas of Clearfield County, Pennsylvania)

RESPONSE IN OPPOSITION TO THE MOTION FOR PARTIAL SUMMARY JUDGMENT FILED BY AND ON BEHALF OF LYNN A. SHARP, AS BOTH PLAINTIFF AND DEFENDANT

AND NOW, comes CANDACE A. EAZOR, in her capacity as the Administratrix of the Estate of Richard A. Eazor, Deceased, as both plaintiff and defendant, averring in support thereof the following:

1. Denied. The party, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, as both plaintiff and defendant, is without sufficient information within which to form a belief as to the truth or falsity of this averment and the same is therefore denied with strict proof being demanded at time of trial.

#28

On Monday, August 11, 2003, Lynn A. Sharp, as both the plaintiff and defendant, was deposed and at that date and time, she testified that her residence was: 416 Maple Avenue, DuBois, Pennsylvania.

2. Denied. The plaintiff and defendant, Candace A. Eazor, personally and in her capacity as the Administratrix of the Estate of Richard A. Eazor, Deceased, resides at 508 North Court, DuBois, Pennsylvania 15801.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted in part, denied in part. It is admitted that the pleadings have recently closed by Order of Court, thereby coordinating the actions, effective May 27, 2004 in Clearfield County, Pennsylvania.

It is acknowledged that depositions have been taken as part of the process involved in the Coordination of Actions, although it is denied that all discovery depositions have been concluded for purposes of liability and damages.

In fact, there was an extended discussion between all counsel of record confirming that the depositions were being taken as part of the pending Coordination of Actions, only, and that additional depositions would be necessary for discovery purposes as to both liability and damages.

It is acknowledged that plaintiff's counsel has provided an expert report.

It is acknowledged that as of this date, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, has not formally retained an accident reconstructionist for an expert opinion as to the driver of the vehicle. The accident reconstructionist is not required to raise issues of fact, as there are numerous issues of fact as to the fundamental issue of who was driving the Sharp vehicle at the time of the single vehicle accident.

10. Admitted.

11. Denied. It is specifically denied that there are no material issues of fact. There is an issue of fact, specifically, the fundamental issue in both cases: Who was driving the Sharp vehicle at the time of the crash?

There is extensive deposition testimony that Lynn A. Sharp and Richard A. Eazor both repeatedly stated, at the scene of the accident, in the ambulance and at the hospital, that Lynn A. Sharp was driving the Sharp vehicle at the time of the collision.

12. Denied. It is specifically denied that the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, was the driver of the Sharp motor vehicle when it collided with the tree.

It is further denied that Richard A. Eazor, Deceased, was the driver of the Sharp vehicle when it collided with the tree.

For purposes of the Motion for Summary Judgment filed by and on behalf of the defendant, Lynn A. Sharp, it is admitted that Lynn A. Sharp was the driver of the Sharp vehicle when it collided with the tree.

13. Denied. It is specifically denied that the plaintiff and/or defendant, Lynn A. Sharp, is entitled to summary judgment on the fundamental issue of who was driving the Sharp motor vehicle when it collided with the tree.

By way of further response, it is maintained and therefore averred that there is extensive deposition testimony confirming that both Lynn A. Sharp and Richard A. Eazor stated, at the accident scene, in the ambulance and at the hospital, that Lynn A. Sharp was driving the Sharp vehicle at the time of the collision.

It is the position of Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, in her capacity as both the plaintiff and defendant, that Lynn A. Sharp was the driver of the Sharp vehicle at the time of the crash, as supported by the deposition testimony of numerous individuals, as set forth below.

14. Denied. It is specifically denied that Lynn A. Sharp has the ability to incorporate any statements of fact contained within the Brief, as the Motion for Summary Judgment must stand alone for analysis purposes as to the fundamental issue of who was driving the Sharp vehicle at the time of the crash.

WHEREFORE, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, in her capacity as both plaintiff and defendant, respectfully requests this Honorable Court to deny the Partial Motions for Summary Judgment that have been filed by and on behalf of Lynn A. Sharp.

AFFIRMATIVE DEFENSES TO THE PARTIAL MOTION FOR SUMMARY JUDGMENT FILED BY AND ON BEHALF OF LYNN A. SHARP

15. Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased, incorporates by reference those responses to Paragraph 1 through 14 as if fully set forth herein.

16. Extensive depositions were taken exploring the fundamental issue of who was driving the Sharp vehicle at the time of the crash.

17. These depositions were taken as part of the then pending Coordination of Actions, which was recently resolved by Court Order effective May 27, 2004 in Clearfield County, Pennsylvania.

18. The deposition date and individual deponents providing testimony are itemized as follows:

a.	Mark A. Schrecengost	August 11, 2003
b.	Guy A. Battestilli	August 11, 2003
c.	Tammy Stansell	August 11, 2003
d.	Lynn A. Sharp	August 11, 2003
e.	Candace A. Eazor	August 11, 2003
f.	Rebecca L. Barraclough	September 26, 2003
g.	William J. Cox	September 26, 2003
h.	Samuel L. Crosley	September 26, 2003
i.	Robert J. Ball	September 26, 2003

19. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Mark A. Schrecengost, as the investigating State Trooper, heard Lynn Sharp on a number of occasions acknowledge that she was the driver of the vehicle at the time of the crash:

Q. During your observation of Lynn Sharp, did you overhear any statements made by her?

A. Yes sir.

Q. What were those statements?

A. As an investigating officer, myself and Trooper Ball were trying to determine who was the driver of the vehicle. And the question was asked by EMS personnel at the scene and I do recall hearing Ms. Sharp faintly responding that she was driving.

Q. How many times did she say that?

A. Once at the Palmer residence and I believe twice at DRMC West emergency room.

Q. When she said it at the Palmer residence, who did she say it to?

A. The EMS personnel. As I said, I was not in the ambulance. I was standing outside, and I posed the question to EMS personnel. They relayed my question to Ms. Sharp, and as I said, that was the faint response that I had heard.

Q. You heard her say it though correct?

A. Yes sir.

Q. I'm referring to you heard Lynn Sharp say it; it wasn't relayed to you?

A. At the Palmer residence it was relayed to me. At the emergency room, again, it was asked by the nursing staff at – but I was standing at the door and I did hear her actually answer that she was the driver of the vehicle.

Q. Okay. So I'm clear, at the Palmer residence, you said it was a faint response by Lynn, but you didn't hear that faint response?

A. That's correct.

Q. That was told to you by an emergency personnel?

A. That's correct.

Q. Did you go with Lynn Sharp in the vehicle in which she was riding to the hospital?

A. No sir.

Q. When you got to the hospital, had Lynn Sharp already arrived?

A. I followed the caravan of emergency medical vehicles to the hospital, so we arrived at the same time.

Q. And explain to me what you did upon your arrival, where you went and where Lynn Sharp was.

A. Upon the arrival, we all entered the emergency room. At that time STAT Med Evac, or whatever airlift organization was assigned, was present. Because of her condition, they were trying to tube her, which I'm not quite sure what that means in medical terms, but I believe they were trying to get some type of trachi tube in her. And they were pretty much in command at the emergency room. And then that's where myself and Trooper Ball were as well at the door of the emergency room. And again, like I stated earlier, we had asked the emergency medical personnel or the nursing staff to ask her who was the driver of the automobile, and as I stated, I do recall her faintly saying that she was the driver.

Q. You heard that being said?

A. Yes sir I did.

Q. By Lynn Sharp?

A. Yes sir.

Q. How many times?

A. Once.

Q. At the hospital?

A. At the hospital.

Q. How far away – can you give an approximation – were you from Lynn when she made that statement?

A. 8-10 feet.

Q. Were you in the emergency room or outside the room?

A. Standing in the doorway.

Q. Able to see Lynn?

A. Absolutely.

Q. When she made the statement?

A. Yes sir.

(Schrecengost Depo., p. 8-10).

* * *

Q. And what did the EMS people tell you?

A. That Ms. Sharp stated that she was the driver of the vehicle.

Q. Do you remember what their words were to you?

A. I can't recall what their exact words were, but they indicated that she was the driver of the vehicle.

(Schrecengost Depo., p. 23).

* * *

Q. Let's go back to DRMC then. And again, tell me very specifically what you asked – first of all, where you were and what you asked the hospital personnel and then what they told you or what you heard Lynn Sharp say regarding who was the driver of the vehicle.

A. This is at DRMC West emergency room?

Q. Yes.

A. Okay. As I stated, I was standing in the doorway of the – an emergency room. I told the nursing staff or EMS personnel that we needed to determine who was operating the vehicle. I don't know if those are the exact words, but it would have been something similar in nature. And they asked the victim. And I stated, I recall her faintly stating that she was the driver of the vehicle.

Q. Okay. What did you hear? Tell me what words she used.

A. "I was."

Q. That's what you heard her say? "I was."

A. Correct.

Q. Just those two words?

A. Correct.

(Schrecengost Depo., p. 26).

Pertinent deposition transcript pages of Mark A. Schrecengost - Exhibit 1.

20. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Guy A. Battestilli testified as follows:

Q. So you were aware then that evening or the next morning while you were doing that investigation, that she (Lynn Sharp) had made a statement that she was driving.

A. Allegedly, yeah.

Q. Well, not allegedly.

A. Well, I wasn't there so I didn't talk to the people, but –

Q. But I mean, you received from a reliable source that she made the statement.

A. Right.

(Battestilli Depo., p. 13).

* * *

Q. It says, "He said that the girl was driving." They told you that at the scene. Is that correct?

A. That's what Mr. Eazor had supposedly told them.

Q. Okay, and that she swerved to miss a deer.

A. Yes.

Q. When the witnesses were giving you this statement, did they appear to know what they were talking about?

A. They seemed reliable, yeah. They were – yeah.

Q. And the fact that these witnesses were relaying to you what they had heard, did you have any reason to feel that they weren't telling the truth, these witnesses weren't telling the truth?

A. No.

(Battestilli Depo., p. 18-19).

* * *

Q. Before you reached your conclusion as to who was driving, did you check with Officer Schrecengost or Officer Bell?

A. Ball.

Q. Ball, to see if any statements had been made?

A. Well, just what I told you when I called in the morning; that they made statements that they had heard that she said – whatever, how that came down, but that she had made statements that she had been driving.

Q. And that was from Officer Ball?

A. Yes.

Q. You don't recall ever having any discussions with Officer Schrecengost before reaching your conclusions?

A. No. I never talked to him.

(Battestilli Depo., p. 22-23).

* * *

Q. You spoke with Trooper Ball?

A. Right.

Q. And he conveyed the information that they obtained with regard to the statements that Lynn had made that she was driving. Is that correct?

A. Right.

(Battestilli Depo., p. 50).

Pertinent deposition transcript pages of Guy A. Battestilli - Exhibit 2.

21. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Tammy Stansell, who volunteers for Brockway Area Ambulance, testified as follows:

> Q. Did you have any conversations with Lynn Sharp, prior to leaving the Palmer residence, about who was driving the vehicle?
>
> A. Prior to extricating Lynn from the vehicle that she was in, the one that we found her in which was not the accident victim vehicle – there wasn't any damage to the vehicle that we found her in. I asked who was driving the vehicle for mechanism of injury and she told me that she was.
>
> Q. How many times did you ask her that question?
>
> A. Probably four or five.
>
> Q. Four or five times?
>
> A. (Nods head affirmatively).

(Stansell Depo., p. 11).

* * *

> Q. What did she respond?
>
> A. She was, she was the driver.
>
> Q. Those were – to the best of your recollection, the exact words?
>
> A. "I was the driver." And then in the ambulance we – I also asked several times with Luke Crosley present because I – the injury to her chest, the absent lung sound, trying to ascertain who was the driver, and I specifically asked after that because I – I know – I knew who was in – the other person in the vehicle and I knew that he didn't have a driver's license. So I –
>
> Q. Are you referring to Richard Eazor?
>
> A. To Richard Eazor. So I thought that maybe there was some attempt on her part to say that she was the driver to cover for Mr. Eazor, and I told her that I didn't care who was driving; that I

needed the truth about who was driving so we could ascertain her injuries. And she again told me that she was driving.

Q. That was in the ambulance on the way to the hospital?

A. In the ambulance, yes sir.

Q. And I just want to focus in on how many times you asked that question at the Palmer residence and how many times you asked it in the ambulance.

A. Probably once at the Palmer residence because my main concern was getting her out of the car and getting her in the ambulance where there was light and equipment. And more than two times less than five times in the back of the ambulance. Pinpoint a number, I cannot do that.

(Stansell Depo., p. 12-13).

* * *

Q. Did you, in the emergency room, ask her any questions about who was driving?

A. I did not talk to her in the emergency room. The hospital staff talked to her in the emergency room.

Q. Did you overhear the question that they asked her?

A. Yes I did.

Q. I'm referring to the question about driving.

A. Yes I did.

Q. Can you tell me who asked the questions, what were the questions and what were her responses?

A. Who was in the emergency room, I cannot answer that nursewise. I believe it was Dr. George Palmer was the emergency room physician that night. And I don't know if he asked her if the nurses were asked, but they did ask about who was driving the vehicle, and she said she was.

(Stansell Depo., p. 14-15).

* * *

Q. . . . Through this deposition you talked about the mechanism of injury and that is the reason and the purpose behind you asking on a number of occasions whether Lynn was the driver. Is that correct?

A. That's correct.

Q. Okay. And I guess what I'd like to – and every time that you – you asked her throughout that evening, was her answer consistent that she was the driver?

A. That's correct.

(Stansell Depo., p. 37).

Pertinent deposition transcript pages of Tammy Stansell - Exhibit 3.

22. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Rebecca L. Barraclough gave the following testimony pertaining to the statements that were made by Richard Eazor as to who was driving the Sharp vehicle at the time of the crash:

Q. Did he make any statements about the driver of the vehicle?

A. Yeah. He said that she was driving and that she had swerved to miss a deer.

(Barraclough Depo., p. 9).

* * *

Q. Can you tell us how long it was between your arrival at the scene, from the time you arrived on the scene until Lynn and Richard got into your vehicle and you were leaving the scene?

A. Probably like –

Q. Like how much time transpired?

A. Probably ten minutes roughly.

Q. And it was in those ten minutes that Eazor made a statement to you about Lynn was driving.

A. Yes.

Q. And he did – did he say Lynn was driving?

A. Yes.

(Barraclough Depo., p. 11).

* * *

Q. Did you tell the officer there what Richard told you about Lynn being the driver?

A. We had to write everything down. I'm almost positive I wrote it down.

(Barraclough Depo., p. 17).

Pertinent deposition transcript pages of Rebecca Barraclough - Exhibit 4.

23. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, another witness, William Joseph Cox, testified regarding the statements made by Richard Eazor, Deceased, at the scene in the following fashion:

Q. Did the gentleman who was waiving for you to stop make any statements about who was driving the vehicle?

A. He said that she was, yeah.

Q. Did he make any statement about how it came about that the vehicle – their vehicle was off the road?

A. He said she swerved – she said – I mean, you know, he said that she swerved to miss a deer and they hit the tree.

(Cox Depo., p. 8).

* * *

Q. He said "The woman was driving. I wasn't."

A. Yes.

(Cox Depo., p. 18).

Pertinent deposition transcript pages of William Joseph Cox - Exhibit 5.

24. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Samuel Crosley, who is associated with EMS Ambulance Service, provided the following deposition testimony regarding his conversations with Lynn Sharp confirming that she was the driver at the time of the crash:

> Q. What were Lynn Sharp's responses to the questions about driving?
>
> A. I have written in the records that patient did state that she was driving the vehicle.

(Crosley Depo., p. 13).

* * *

> Q. So the only time you heard Lynn making any statement about who was driving was either at the scene or in the ambulance, but in any case prior to arrival at the hospital?
>
> A. Correct.

(Crosley Depo., p. 15-16).

* * *

> Q. Other than the statement which you overhead from Lynn Sharp that she was driving, did you see any other evidence from her physical appearance or your examination and treatment of her that would lead you to believe that she was the driver?
>
> A. I don't know what I could say that 100%.
>
> Q. One way or the –
>
> A. Other than her statement, I don't know what I could tell you 100%, whether she was driving one way or the other or not.

(Crosley Depo., p. 28-29).

Pertinent deposition transcript pages of Samuel Crosley - Exhibit 6.

25. With regard to the "fundamental issue" as to who was driving the Sharp vehicle at the time of the crash, Robert J. Ball, who is also a Pennsylvania State Trooper, gave the following testimony regarding his conversations with Lynn Sharp confirming that she was the driver of the vehicle at the time of the crash:

Q. Can you tell us what questions you asked her?

A. I asked her very quickly, was she involved in an accident. She of course said, yes, she was. I said, "Were you the operator or was the male the operator?" She said she was. And I said, "Had you guys been drinking tonight?" And she said yes. And those are the only three things that I would have asked her.

Q. Was her response to you clear that she was driving?

A. Clear as in, did she say verbally clear or clear like she answered quickly. I mean –

Q. Clear that you didn't have any problem understanding her words.

A. I didn't have any problem understanding her words, no.

Q. And she answered that specific question one time?

A. Um-hmm.

Q. How far from her were you when you asked these questions?

A. Me to you, two feet, three feet.

(Ball Depo., p. 7-8).

* * *

Q. And the person in the ambulance that you asked the questions to, was that Lynn Sharp?

A. It was, I didn't know at the time her name, but later on, as I found out, that was her.

(Ball Depo., p. 9).

Pertinent deposition transcript pages of Robert J. Ball - Exhibit 7.

26. Lynn A. Sharp was the owner of the vehicle involved in this single vehicle accident, and as the owner of the vehicle, is under a presumption of law that Lynn A. Sharp was the driver of her own vehicle, at the time of the crash. (See, Rodney v. Staman, 371 Pa. 1, 89 A.2d 313 (1952); Limes v. Keller, 365 Pa. 258, 74 A.2d 131 (1950); DeVecca v. Ashton, 87 Pa. D & C. 385 (Burkes Co. 1953)).

27. When there is conflicting testimony or evidence as to who was the driver of the vehicle, then it is for the jury to weigh that evidence and determine whether an inference has been rebutted with regard to the ownership and the driver of the vehicle. (See, DeVecca v. Ashton, 87 Pa. D. & C. 385 (Burkes Co. 1953)).

28. Richard Eazor was bald and therefore could not have left hair in the windshield above the steering wheel, as the physical evidence indicates the steering wheel was struck and that there was a hole in that windshield by the driver's head.

> Q. Did your brother have short brown hair?
>
> A. My brother was bald.

(Candace Eazor Depo., p. 18 - Exhibit 8).

29. The scalp and skull of Richard A. Eazor was examined during his autopsy and did not show any evidence of trauma, fracture or otherwise and therefore, the head of Richard Eazor could not have shattered the windshield above the steering wheel.

> The head is normocephalic with no significant externally visible deformity or sign of injury. . .

(Autopsy Report, p. 3).

* * *

> The scalp and skull examined minutely, externally, by palpitation and inspection show no evidence of trauma, fracture or otherwise.

(Autopsy Report, p. 7).

Pertinent portions of the Autopsy Report of Richard A. Eazor, Deceased - Exhibit 9.

30. Lynn A. Sharp suffered severe head trauma, including loss of memory and acute traumatic brain injury thereby precluding her from having any recollection of the events leading up to the accident itself, and for a number of weeks following that accident.

Q. Alright. And you don't remember what happened in the days prior to the collision?

A. No, I do not.

Q. Nothing?

A. Nothing.

Q. You don't remember the collision?

A. No, I do not.

Q. Do you know whether or not you were driving?

A. No, I do not.

Q. Do you recall talking to Tammy Stansell?

A. No, I do not.

Q. Do you recall talking to the State Police about the incident?

A. No, I do not.

(Sharp Depo., p. 9 - Exhibit 10).

31. All of the statements made by Lynn Sharp to the various witnesses, as set forth above, are party admission made by Lynn Sharp as both the plaintiff and the defendant in these coordinated and consolidated cases.

32. The statements made by Richard Eazor at the scene of the accident and while he was traveling from the scene to the witness' mother's residence, would be deemed dying declarations

and/or excited utterances, as Richard Eazor's death was imminent, he was aware of the injuries and the seriousness of those injuries, and he ultimately died from the injuries suffered in that automobile accident.

WHEREFORE, Candace A. Eazor, in her capacity as the Administratrix of the Estate of Richard A. Eazor, Deceased, as both plaintiff and defendant, respectfully requests this Honorable Court to enter judgment in her favor and thereby deny the Partial Summary Judgment that has been filed by and on behalf of Lynn A. Sharp with respect to the above matters.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Attorneys for Candace A. Eazor, in her capacity as the Administratrix of the Estate of Richard A. Eazor, Deceased
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

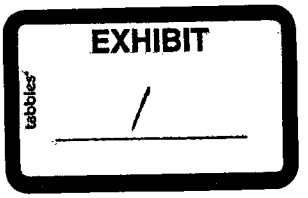
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **MARK A. SCHRECENGOST**

Date : Monday, August 11, 2003
10:45 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public



SCHREIBER REPORTING SERVICE
P.O. Box 997
St. Marys, PA 15857
(814) 834-5337

arrival.

Q. During your observation of Lynn Sharp, did you overhear any statements made by her?

A. Yes, sir.

Q. And what were those statements?

A. As an investigating officer, myself and Trooper Ball were trying to determine who was the driver of the vehicle. And the question was asked by EMS personnel at the scene, and I do recall hearing Miss Sharp faintly responding that she was driving.

Q. How many times did she say that?

A. Once at the Palmer residence and I believe twice at DRMC West emergency room.

Q. When she said it at the Palmer residence, who did she say it to?

A. The EMS personnel. As I said, I was not in the ambulance. I was standing outside, and I posed the question to EMS personnel. They relayed my question to Miss Sharp, and as I said, that was the faint response that I had heard.

Q. You heard her say it though. Correct?

A. Yes, sir.

Q. I'm referring to you heard Lynn Sharp say it; it wasn't relayed to you?

A. At the Palmer residence it was relayed to me. At

the emergency room, again, it was asked by the nursing staff at -- but I was standing at the door, and I did hear her actually answering that she was the driver of the vehicle.

Q. Okay. Just so I'm clear, at the Palmer residence, you said it was a faint response by Lynn, but you didn't hear that faint response?

A. That's correct.

Q. That was told to you by an emergency person.

A. That's correct.

Q. Did you go with Lynn Sharp in the vehicle in which she was riding to the hospital?

A. No, sir.

Q. When you got to the hospital, had Lynn Sharp already arrived?

A. I followed the caravan of emergency medical vehicles to the hospital, so we arrived at the same time.

Q. And explain to me then what you did upon your arrival, where you went and where Lynn Sharp was.

A. Upon the arrival, we all entered the emergency room. At that time STAT MedEvac, or whatever airlift organization was assigned, was present. Because of her condition, they were trying to tube her, which I'm not quite sure what that means in medical terms, but I believe they were trying to get some type of trachi tube in her.

And they were pretty much in command at the emergency room. And then that's where myself and Trooper Ball were as well at the door of the emergency room. And again, like I stated earlier, we had asked the emergency medical personnel or the nursing staff to ask her who was the driver of the automobile, and as I stated, I do recall her faintly saying that she was the driver.

Q. You heard that being said.

A. Yes, sir, I did.

Q. By Lynn Sharp?

A. Yes, sir.

Q. How many times?

A. Once.

Q. At the hospital?

A. At the hospital.

Q. How far away -- can you give an approximation -- were you from Lynn when she made that statement?

A. Eight to ten feet.

Q. Were you in the room or outside the room?

A. Standing in the doorway.

Q. Able to see Lynn?

A. Absolutely.

Q. When she made the statement?

A. Yes, sir.

Q. Do you recall the names of the medical personnel

place, what you asked the emergency room people to say -- strike that -- the EMS people to say at the Palmer house, what you heard them say, and exactly what you either heard Lynn Sharp say or what was relayed to you?

A. Okay. At the Palmer residence, simply directed the EMS personnel that were offering Miss Sharp medical attention that we needed to know who was operating the vehicle, if they could simply ask her who the operator of the vehicle was.

Q. What did you -- did you hear them ask her anything?

A. I was standing outside of the ambulance, the back doors of the ambulance. Did I hear them say or ask the question? No. Would they have done it from a directive of a Pennsylvania State Trooper? Yes. I believe that they asked her what I had asked them to do.

Q. Okay. But you did not hear them ask.

A. No, sir.

Q. Okay. Did you hear Lynn's response?

A. No, sir.

Q. And what did the EMS people tell you?

A. That Miss Sharp stated that she was the driver of the vehicle.

Q. Do you remember what their words were to you?

A. I can't recall what their exact words were, but they indicated that she was the driver of the vehicle.

names are, stated that they put them in their vehicle -- at what position in the vehicle, I don't recall -- and they drove them to the Palmer residence.

Q. Did they tell you that Lynn Sharp walked to their vehicle? Did they carry Lynn Sharp to the vehicle?

A. No, sir. I don't believe I recall asking that question, nor did they offer that information.

Q. So your answer is you have -- you don't know.

A. I don't know.

Q. -- have any information about it, okay.

A. I don't have any information about that.

Q. Let's go back to DRMC then. And again, tell me very specifically what you asked -- first of all, where you were and what you asked the hospital personnel and then what they told you or what you heard Lynn Sharp say regarding who the driver of the vehicle was.

A. This is at DRMC West emergency room?

Q. Yes.

A. Okay. As I stated, I was standing in the doorway of the -- an emergency room. I told the nursing staff or EMS personnel that we needed to determine who was operating the vehicle. I don't know if those are the exact words, but it would have been something similar in nature. And they asked the victim. And as I stated, I recall her faintly stating that she was the driver of the

vehicle.

Q. Okay. What did you hear? Tell me what words she used.

A. "I was."

Q. That's what you heard her say, "I was."

A. Correct.

Q. Just those two words.

A. Correct.

Q. Do you have a reason or an understanding as to why, if Ms. Sharp admitted to being the driver of the motor vehicle, that she was never charged with any violation of the Motor Vehicle Code?

A. From casual conversation resulting from the investigation of the traffic crash that occurred, evidence suggested that she was probably the passenger of the vehicle because of the injuries that were sustained and because of the evidence that existed at the scene. Again, I prefer not to elaborate on that because I did not investigate the crash scene. That's just simply based on discussion between members of the Pennsylvania State Police.

Q. After October 6, 2002, and you completed Page 11 and 12 of your report, did you ever do anything else in this investigation?

A. No, sir.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **GUY A. BATTESTILLI**

Date : Monday, August 11, 2003
11:36 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

EXHIBIT
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St. Marys, PA 15857
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to Trooper Schrecengost -- strike that. Were you aware that Lynn Sharp had stated that she was driving the vehicle?

A. I talked to Trooper Ball when I arrived back on station and caught up to the DuBois Station, and he said they were unable to do an actual interview of them, but that she had said about making statements that she was driving. I wasn't sure if it was to him or to the -- who she made the statements to, but he told me he'd send a supplemental report after that.

Q. So Trooper Ball had indicated to you that he heard her say that she was driving?

A. He said she made statements. I'm not sure if he -- I don't recall if she said it actually to him because he said he couldn't actually go in and interview her because of her being treated for her injuries.

Q. We were just interested in knowing whether, when he relayed this information to you, whether he said, "I heard her say this" or Trooper Schrecengost that was with him? Do you recall the background on that?

A. No. I don't recall. He said she had made statements. Like I said, I'm not sure she exactly said it to him or if she said it to medical personnel or to the ambulance personnel. I'm not sure that way.

Q. So you were aware then that evening or the next

morning, while you were doing that investigation, that she had made a statement that she was driving.

A. Allegedly, yeah.

Q. Well, not allegedly.

A. Well, I wasn't there, so I didn't talk to the people, but --

Q. But I mean, you received from a reliable source that she made the statement.

A. Right.

Q. I show you -- we'll designate this as Exhibit No. 1 then if we're going to put one. I show you what's being marked as Exhibit No. 1.

(Police Crash Reporting Form marked **Battestilli Exhibit No. 1.**)

(Off-the-record discussion.)

BY MR. FERRARO:

Q. I show you what's been marked as Exhibit No. 1, Trooper, and ask you if you can identify what it is.

A. That's our Police Crash Reporting Form.

Q. In looking at this document, can you tell me how many pages there are to it? Off the record.

A. You're counting twenty and plus the attachments?

Q. Yes.

A. Twenty pages and then the attachments.

Q. And on -- thank you. And on the back of Page 20 --

transported by witnesses to the home of the -- Barraclough's parents. That information you got from those two witnesses?

A. Yes.

Q. And then the next paragraph that says, "Cox and Barraclough were interviewed at the scene." Is that correct?

A. Yes.

Q. And then they stated, "We were out driving and we came up to this car. The man was out walking around."

A. Yes.

Q. Did you have a chance to look at the vehicle to see whether one or both of the doors were open or closed?

A. I think both doors were open when we arrived at the scene.

Q. Which would indicate then, with the doors being open, that wherever the occupants were sitting, they must have gotten out of the vehicle. Is that right?

A. Yes.

Q. Then it says, "He said that the girl was driving." They told you that at the scene. Is that correct?

A. That's what Mr. Eazor had supposedly told them.

Q. Okay, and that she swerved to miss a deer.

A. Yes.

Q. When the witnesses were giving you this statement,

did they appear to know what they were talking about?

A. They seemed reliable, yeah. They were -- yeah.

Q. And the fact that these witnesses were relaying to you what they had heard, did you have any reason to feel that they weren't telling the truth, these witnesses weren't telling the truth?

A. No.

Q. Did you feel at that point that Mr. Eazor wasn't telling the truth?

A. Yes, I did.

Q. What led you to believe that at that point?

A. Well, interviewing them, there was a severe damage to the steering column of the car where it was -- the post was pushed, bent. The wheel all the way around was bent forward, and there was a large impact on the windshield where a hole -- approximately ten-inch-diameter hole where you could see a head had gone out through the windshield. (Indicating.)

While talking to them, I asked them about Mr. Eazor and Ms. Sharp, and they informed me that Mr. Eazor had shorter brown hair and that Lynn Sharp had long blond hair. While checking the windshield, there were several short brown hairs stuck in the glass of the hole in the windshield.

I was also told about Lynn Sharp having a severe

in their statement. Mr. Cox. "There was blood coming out of his nose and his lips."

Q. Which would indicate that he had injuries to his nose.

MR. SCHMITT: Again, I want to object to the form of the question. I don't think asking the trooper for a medical conclusion -- there's -- a lot of people have reasons why people can be bleeding from the nose other than an injury to the nose.

BY MR. FERRARO:

Q. Okay. What was the reason you are stating that he was bleeding from his nose and his lips? Because they told you that?

A. Yeah.

Q. Before you reached your conclusion as to who was driving, did you check with Officer Schrecengost or Officer Bell?

A. Ball.

Q. Ball, to see if any statements had been made?

A. Well, just what I told you when I called in the morning; that they made statements that they had heard that she said -- whatever, how that came down, but that she had made statements that she had been driving.

Q. And that was from Officer Ball.

A. Yes.

column and also the windshield itself led you to believe that neither the driver nor the passenger were wearing seat belts. Is that correct?

A. Right.

Q. Trooper, as you sit here today, are you able to tell me what ankle or leg was broken of Lynn Sharp?

A. No, sir. I don't know.

Q. In preparing and finalizing your report, do you remember any direct conversations or meetings with Trooper Schrecengost?

A. No. I didn't talk to him, no.

Q. You spoke with Trooper Ball.

A. Right.

Q. And he conveyed the information that they obtained with regard to the statements that Lynn had made that she was driving. Is that correct?

A. Right.

Q. Okay. You had been asked some questions regarding Page 4 where you put down there Richard Eazor. And it appears as though where the address would go, you put down "Same as driver." What was your understanding as to where Richard Eazor was living at the time of this accident, and where would that be noted? You referred to Page 1.

A. Oh. That's -- this report is just --

Q. These are new reports in --

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

COPY

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IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **TAMMY STANSELL**

Date : Monday, August 11, 2003
1:32 p.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

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A. Marilyn Becker drove the ambulance, and Luke Crosley was in the back with me.

Q. Prior to leaving the -- I'll call it the Palmer residence, did you have any conversations with a state police officer that you can recall?

A. I don't recall. I don't know if one was there or not. I'm focused on my patient, so I honestly can't tell you.

Q. Did you have any conversations with Lynn Sharp, prior to leaving the Palmer residence, about who was driving the vehicle?

A. Prior to extricating Lynn from the vehicle that she was in, the one that we found her in which was not the accident victim vehicle -- there wasn't any damage to the vehicle that we found her in. I asked who was driving the vehicle for mechanism of injury, and she told me that she was.

Q. How many times did you ask her that question?

A. Probably four or five.

Q. Four or five times?

A. (Nods head affirmatively.)

Q. And can you repeat for us the exact question, as best as you can remember it, that you asked her?

A. Well, initially probably -- probably, in the back seat of the -- when she was in the back seat of the car

and I asked her, I asked if she -- who was the driver of the vehicle because neither occupant was in the vehicle for mechanism of injury. In the ambulance then --

Q. What did she respond?

A. She was; she was the driver.

Q. Those were -- to the best of your recollection, the exact words.

A. "I was the driver." And then in the ambulance we -- I also asked several times with Luke Crosley present because I -- the injury on her chest, the absent lung sound, trying to ascertain who was the driver, and I specifically asked after that because I -- I know -- I knew who was in -- the other person in the vehicle, and I knew that he did not have a driver's license. So I --

Q. Are you referring to Richard Eazor?

A. To Richard Eazor. So I thought that maybe there was some attempt on her part to say that she was the driver to cover for Mr. Eazor, and I told her that I didn't care who was driving; that I needed the truth about who was driving so we could ascertain her injuries. And she again told me that she was driving.

Q. That was in the ambulance on the way to the hospital?

A. In the ambulance, yes, sir.

Q. And I just want to focus in on how many times you

asked that question at the Palmer residence and how many times you asked it in the ambulance.

A. Probably once at the Palmer residence because my main concern was getting her out of the car and getting her in the ambulance where there was light and equipment. And more than two times less than five times in the back of the ambulance. Pinpoint a number, I cannot do that.

Q. And your best recollection of the exact words that she used while in the back of the ambulance to those more than two, less than five questions about who was driving, was what?

A. That she said she was driving. And I said, "I know Rick doesn't have --" I specifically told her that, "I know Rick doesn't have a driver's license. I don't care who was driving." I needed to know for treatment who was driving, and she said she was.

Q. Did you have the opportunity to ask her other questions?

A. Yes, difficulty with breathing, pain, where she lived.

Q. Was she responsive to those questions?

A. Yes, she was.

Q. Did she appear to you to know the question that you were asking?

A. She could tell me month, date, time, roughly,

initially. As -- the closer we got to the hospital, the more she decompensated, the less verbal she was. But she still spoke in the emergency room because I stayed until after Life Flight left. We assisted until Life Flight left.

Q. So you were in the emergency room?

A. That's correct.

Q. And did she make any -- were you actually physically in the emergency room?

A. I was physically in the emergency room until Life Flight came and -- Life Flight intubated. The physician cannot intubate. The Life Flight nurse intubated.

Q. Did you, in the emergency room, ask her any questions about who was driving?

A. I did not talk to her in the emergency room. The hospital staff talked to her in the emergency room.

Q. Did you overhear the questions that they asked her?

A. Yes, I did.

Q. And I'm referring to questions about driving.

A. Yes, I did.

Q. Can you tell us who asked the questions, what were the questions and what were her responses?

A. Who was in the emergency room, I cannot answer that nurse wise. I believe it was Dr. George Palmer was the emergency room physician that night. And I don't know if

he asked or if the nurses there asked, but they did ask about who was driving the vehicle, and she said she was.

Q. When you say they asked, did you actually hear them ask, or was this told to you by someone else?

A. No. I heard them ask the patient.

Q. Can you give us your best recollection of how many times that question was asked?

A. No, I could not. At least once.

Q. And how far approximately were you from Lynn Sharp when she responded in that manner?

A. Holding her feet.

Q. Was Luke Crosley also in the emergency room with you?

A. Luke was in the emergency room. Whether he stayed the whole time or not, I can't say that, but he was in the emergency room.

Q. And he also was in the ambulance.

A. He was in the ambulance for the whole transfer.

Q. Were there any statements made by Lynn Sharp about drinking that evening to you?

A. I asked if they drank -- if she drank, and she said she had beer.

Q. When did you ask that question?

A. In the vehicle, when she was still in the vehicle, before she was taken out of the back seat of the vehicle.

Q. On the floor. And once you walked away, once you carried the board out, you never went back.

A. No, sir. I never left my patient to go back. That wasn't the accident vehicle -- the accident car, so I didn't care what that car looked like.

MR. HOPKINS: That's all I have.

MR. SCHMITT: I don't have any.

CROSS EXAMINATION

BY MR. SUNDBERG:

Q. Tammy, I do. I'm Gene Sundberg. I represent the estate with regard to the personal injury action that Lynn Sharp has brought as a result of this accident. Throughout this deposition you talked about the mechanism of injury and that that is the reason and the purpose behind you asking on a number of occasions whether Lynn was the driver. Is that correct?

A. That's correct.

Q. Okay. And I guess what I'd like to -- and every time that you've -- you asked her throughout that evening, was her answer consistent that she was the driver?

A. That's correct.

Q. Okay. Now, let's talk a -- let's talk a little bit about the physical findings on Lynn and determine whether your findings again were consistent with her repeated statements that she was the driver. You said that you

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff	*	CIVIL DIVISION
vs.	*	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	*	CIVIL DIVISION
vs.	*	
LYNN A. SHARP, Defendant	*	NO. 48-2003-CD

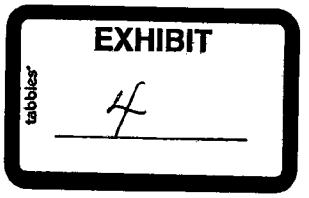
Deposition of : **REBECCA LOUISE BARRACLOUGH**

Date : Friday, September 26, 2003
10:54 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

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A. Could I -- that I could see, just like on her pant leg there was blood.

Q. And how close did you get to her?

A. Not very close at the time. Like he just asked us if we could take them to the hospital, and we moved the tree off the road.

Q. Who moved the tree off the road?

A. Me and B.J.

Q. B.J. meaning William Cox?

A. William, yes.

Q. What else did Eazor say to you?

A. He just wanted to know if we could take him to the hospital. He wanted help. He was worried about Lynn. And I don't know, I was just like frantic, you know. I never had to deal with anything like that. So we were like, "Yeah. We'll help you."

Q. Did he make any statements about the driver of the vehicle?

A. Yeah. He said that she was driving and that she had swerved to miss a deer.

Q. Did she make any statements -- did he make any statements to you about where she was prior, if anywhere, prior to --

A. No.

Q. -- her being in the passenger seat?

your mother's place?

A. Yes. We were going to take them to the hospital, but I figured I should stop and tell my mom. And Eazor talked to us like most of the way to my house. And then we just kept saying, "Lynn," and she kept, you know, moaning; making sure she was conscious. And like when we got to my house, I went in and told my mom and had B.J. check on him, and Eazor had no pulse.

Q. Can you tell us how long it was between your arrival on the scene, from the time you arrived on the scene until Lynn and Richard got into your vehicle and you were leaving the scene?

A. Probably like --

Q. Like how much time transpired?

A. Probably ten minutes roughly.

Q. And it was in those ten minutes that Eazor made a statement to you about Lynn was driving.

A. Yes.

Q. And he -- did he say Lynn was driving?

A. Yes.

Q. And how long approximately did it take from the time you left the scene until you got to your mother's house?

A. Ten, fifteen minutes.

Q. How many times did he make a statement that she

Q. So you went back to the scene of the collision and gave a statement to an officer there.

A. Yes.

Q. Did you tell that officer there what Richard told you about Lynn being the driver?

A. We had to write everything down. I'm almost positive I wrote it down.

Q. Do you recall telling it to the officer?

A. It was just like -- it was more of a written statement than a like verbal statement of what we were saying -- what was going on.

Q. How many police officers did you talk with back at the collision scene?

A. There were two there. And I like mainly talked with one, and B.J. talked to another one.

Q. And then you made -- after you talked with them, you made written statements?

A. Well, we got in their vehicles, and they just told us to give them a written statement, and then they let us go.

Q. On the trip from the accident scene to your mother's place, when Richard was talking, was Lynn talking?

A. No. She was just moaning.

Q. At your mother's place, did Lynn make any

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

* CIVIL DIVISION

COPY

NO. 02-1890-CD

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

* CIVIL DIVISION

NO. 48-2003-CD

Deposition of : **WILLIAM JOSEPH COX**

Date : Friday, September 26, 2003
11:26 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

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Was the tree in front of the vehicle? Behind it? To the side?

A. It was in front of it where the motor is.

Q. Did this person who was waving for you to stop make any statements to you that you can recall?

A. He asked us to take him to the hospital. That's all I can remember.

Q. Did you approach the other person?

A. Yes, I did.

Q. And what did you do?

A. He -- when he asked us to take her to the hospital, I walked up to her and I like made -- I asked her -- I was like, "What's wrong?"

She said, "My leg hurts. My leg hurts."

And then I asked her, I was like, "Is there anything else wrong with you," and -- I mean, her back -- and she said no, and so then like we put her in the car.

Q. Who put her in the car?

A. Me and Becky.

Q. And the car you put her in was Becky's car?

A. Yes.

Q. Did the gentleman who was waving for you to stop make any statements about who was driving the vehicle?

A. He said that she was, yeah.

Q. Did he make any statement about how it came about

that the vehicle -- their vehicle was off the road?

A. He said she swerved -- she said -- I mean, you know, he said that she swerved to miss a deer and they hit the tree.

Q. Did he make any statements to you about how the woman ended up on the passenger side of their vehicle?

A. He said that he had her out of the car, and she was walking around it. Then she sat down in that seat.

Q. Did he say why she sat down in that seat?

A. No.

Q. Did you have a cell phone there at the scene, do you remember?

A. Becky did.

Q. Did it work?

A. Not really. There was no reception.

Q. When the woman and the man were placed into Becky's vehicle, can you tell us where they were placed?

A. She was in the driver's side back seat, and he was in the passenger side back seat.

Q. And who was driving?

A. Becky.

Q. And you were in the front passenger seat?

A. Yeah. I was talking to them the whole way.

Q. Did the woman who was in the back seat make any statements to either of you that you heard while you were

was driving and that he wasn't. He said, "We had a few beers earlier," I believe. I think that's how he said it.

Q. He said, "The woman was driving. I wasn't."

A. Yes.

Q. And how did that come up in the conversation? First of all, back up for a second. Where did you hear him say this? Where were you?

A. I believe I was standing beside him. I don't quite remember that much of that night.

Q. Okay. You were outside though? You weren't driving in the car.

A. Huh-uh.

Q. Okay. Did he say this early in your -- in his conversation with you?

A. No. I -- I believe like that was like -- we came up to -- I believe the first thing that we asked him was like, "Who was driving," and that's what he said.

Q. Okay. I'm sorry. I think Mr. Kruk asked you this already, but just so I'm clear, after -- other than that statement, you never heard any other statements as to who was driving the motor vehicle?

A. No, not at all.

Q. Okay. And again, tell me exactly -- or to the best of your ability -- exactly what was said as far as the girl walking around the vehicle before you arrived.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **SAMUEL LUKE CROSSLEY**

Date : Friday, September 26, 2003
11:50 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

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A. Not exactly, no.

Q. What's your best recollection of how the question was phrased to her?

A. My best recollection was to ask who was driving the car.

Q. Can you tell us why such a question would be asked?

A. Could be asked to try and determine injuries that may not be seen for us. It can be asked to determine level of consciousness for the patient, whether they're able to remember the accident, whether they're able to remember who was driving, whether they had their seat belts on. It's a -- normal process for us is to ask them several and many questions during our contact with the patient to try and determine whether they are to their full mental status or not; whether there was a loss of consciousness during the accident. It's a normal process for us.

Q. What were Lynn Sharp's responses to the questions about driving?

A. I have written in the records that patient did state that she was driving the vehicle.

Q. What page is that on?

A. That's on Page 2, about halfway down through the paragraph there.

Q. Do you recall -- and this is prior to arrival at

as determined by fire department or emergency personnel that are there.

Q. When you arrived at the hospital with Lynn, did you then stay at Lynn's side as she was taken into the hospital?

A. I would have stayed with her until we had moved her over to a hospital bed and I had given a report to the nursing staff and doctor.

Q. So were you with her in -- when she was taken into the emergency room?

A. Correct.

Q. And how long then did you -- well, I'm not going to ask you how long, but did you hear her make any statements at the hospital either to doctors or other individuals or even to yourself about who was driving the vehicle that night?

A. No. I don't remember. Once I gave my report for patient care and stuff, I had gone about I believe cleaning up and restocking the ambulance. I don't recall any definite conversations from the emergency room staff now.

Q. So the only time you heard Lynn making any statement about who was driving was either at the scene or in the ambulance, but in any case prior to arrival at the hospital?

A. Correct.

MR. KRUK: That's all I have.

MR. SCHMITT: I don't have any questions.

CROSS EXAMINATION

BY MR. HOPKINS:

Q. Mr. Crossley, my name is Dave Hopkins, and I just have a few questions. When you arrived out at the house, were there any police at the scene?

A. I don't recall seeing police at the scene.

Q. Do you have any recollection of the police having any conversation with either you or anyone else at the scene before you left?

A. No.

Q. When you arrived at the scene, where was Lynn Sharp, the woman?

A. She was in the back of the -- a passenger car in the driveway. I can't tell you what kind of car or anything that way.

Q. Did you ever see Lynn Sharp walk or take any steps?

A. No.

Q. The second to the last page of the medical report that you gave us -- not medical report but your trip sheet?

A. Um-hmm.

Q. First of all, how is this produced?

Q. Above the -- on the left side of this lady, Lynn Sharp, above the abdomen and chest region, did you notice any other signs of trauma to the head, face or neck of this patient?

A. Not that I have noted in the --

Q. Because I didn't see, and I just wondered if you could recall.

A. No. I -- I don't recall any now, and I don't have any written in the trip sheet as of that time.

Q. On the second page of the trip sheet there's a -- looks like a seating chart for a motor vehicle. And just below that there's a notation, "Whether the patient was the driver was 'N/A or undetermined." Did you put that in there?

A. Yeah. The computer generates, when you have a motor vehicle accident or crash -- tries to generate a seating chart for the type of vehicle that was involved. I believe my thoughts were that night -- or that morning that she had stated she was driving but had been moved from the scene, so I had nothing other than her say-so as to that.

Q. Other than the statement which you overheard from Lynn Sharp that she was driving, did you see any other evidence from her physical appearance or your examination and treatment of her that would lead you to believe that

she was the driver?

A. I don't know that I could say that a hundred percent.

Q. One way or the --

A. Other than her statement, I don't know what I could tell you 100 percent, whether she was driving one way or the other or not.

Q. Based on the other observations?

A. Based on the other observations.

MR. SCHMITT: Fair enough. That's all I have. Thank you.

CROSS EXAMINATION

BY MR. HOPKINS:

Q. Just generate a couple questions of mine. You don't note, I don't believe, anywhere here that she had lacerations of her head. Is that listed here at all, or -- and I also don't note, by looking through that, that you make any notation that there was any glass in her hair. Is there?

A. I don't have either of those notated in the trip sheet, no.

MR. HOPKINS: That's all I have.

REDIRECT EXAMINATION

BY MR. KRUK:

Q. Just clarify for me, Mr. Crossley -- I think I know

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

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* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **ROBERT J. BALL**

Date : Friday, September 26, 2003
10:36 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

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paramedics or EMTs. I just asked them briefly, real quick, you know, what was his condition, and they said -- didn't look good, and they were immediately going to start transporting him if they could.

Turned around, went back, and I know I saw the -- the next time I saw this female, she was already loaded up in the ambulance and they were working on her. I don't know. I asked the EMT her condition or -- I could see that she had some injuries to her that were -- there was some bloody -- right or left ankle I could see was injured pretty severely. And I went around to the side of the ambulance and got in. I asked her a couple just quick questions because I knew they were going to transport her pretty soon, and then my contact with her was not until the hospital.

Q. Can you tell us what questions you asked her?

A. I asked her very quickly, was she involved in an accident. She of course said, yes, she was. I said, "Were you the operator or was the male the operator?" She said she was. And I said, "Had you guys been drinking tonight?" And she said yes. And those are the only three things that I would have asked her.

Q. Was her response to you clear that she was driving?

A. Clear as in, did she say verbally clear or clear like she answered quickly? I mean --

the ambulance? Did you have even the opportunity to ask --

A. No. No. He was already unresponsive or un -- he wasn't conscious at that time.

Q. At the scene did you ask any questions of others, whether they asked questions to the female about who was driving?

A. I don't believe I asked any in particular, no. Like I said, I really was -- Trooper Schrecengost was really handling the incident, so I was really just following him around basically and making sure that he was gathering whatever information he thought he needed to get out of it.

Q. And the person in the ambulance that you asked the questions to, was that Lynn Sharp?

A. It was. I didn't know at that time her name, but later on, as I found out, that was her.

Q. Did you know either Lynn Sharp or Richard Eazor before this evening or early morning?

A. I've met him. I didn't personally know him. I just -- if I would run into him, I would recognize who he is. I mean, I didn't know him personally, no. And Lynn, no, I had no prior meetings with her.

Q. I take it then they were taken from the scene by the ambulance personnel?

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff	*	CIVIL DIVISION
vs.	*	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	*	CIVIL DIVISION
vs.	*	
LYNN A. SHARP, Defendant	*	NO. 48-2003-CD

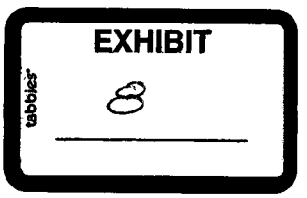
Deposition of : **CANDACE A. EAZOR**

Date : Monday, August 11, 2003
2:52 p.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

SCHREIBER REPORTING SERVICE
P.O. Box 997
St. Marys, PA 15857
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to me.

Q. Do you have your brother's license?

A. Do I have his license?

Q. His driver's license?

A. I have his wallet, but I don't know if it's in there or not. I don't know. I don't recall.

Q. Did your brother have short brown hair?

A. My brother was bald.

Q. Did your brother have any hair on his head?

A. I guess back around here he did a little bit. He was mostly bald. (Indicating.)

Q. Okay. But are you saying he had hair around his --

A. Probably around the ears maybe and going around the back.

Q. So if he had a baseball hat on, you might not know that he was bald. Right?

A. That's a possibility. That's true.

Q. And the hair that he did have, was it brown?

A. Yes.

Q. Did he maintain it relatively short?

A. Yes, I would say.

Q. Did anyone from your family view your brother's body prior to his cremation?

A. No.

Q. Are you aware of anyone having photographs of your

HAROLD R. COTTLE, M.D., F.C.A.P., F.A.S.C.P.
LABORATORY MEDICINE AND FORENSIC PATHOLOGY
25 SYLVAN DRIVE
HOLLIDAYSBURG, PA. 16648-2716

NO. CFCA02-15

AUTOPSY REPORT FOR Clearfield County Coroner

DECEASED'S NAME Richard A. EAZOR

S.S. 184-52-5367 DATE OF BIRTH 06/29/59 AGE 43 SEX M

TIME AND DATE OF DEATH Sunday, October 06, 2002, pronounced 6:02 AM

AUTOPSY DIAGNOSES

1. Crushing Chest Injury.
   A) Fractured ribs I through X bilaterally and sternum
   B) Superficial lacerations of right lobe of liver

Harold R. Cottle M.D.
Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

AUTOPSY WAS PERFORMED AT THE MORGUE OF THE Bon Secours-Holy Family ~~FUNERAL HOME~~ HOSPITAL

Altoona, PA ON Mon DAY October 07, 2002 FROM 8:05 AM/[redacted] TO 8:50 AM/[redacted] BY HAROLD R. COTTLE, MD, FORENSIC PATHOLOGIST. ASST. W. Swanger

WITNESSES NONE

EXHIBIT
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1/00

some size are present over the antero-lateral chest on the right and the antero-lateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein.

The head is normocephalic with no significant externally visible deformity or sign of injury and is covered with gray-brown hair of ordinary male length and arrangement. A small goatee is present at the tip of the chin and a narrow mustache on the upper lip. The face is otherwise clean shaven elsewhere. The head, as mentioned above, is normocephalic. The eyes are brown with round, regular, equal, 5 mm pupils. The ears are of ordinary appearance and are not pierced. The nose shows slight abrasion over the bridge. The throat and mouth are of ordinary appearance and symmetrical to external examination. The natural teeth are present and in a good state of repair. The hands are not remarkable; the fingernails cut very short but not apparently bitten. The chest cavity exhibits palpable fracture of most ribs in anterior axillary line and will be described in greater detail after chest opening. The face is not itself remarkable. The panniculus adiposus is 3.5 cm thick and anteriorly bloody over the chest. There is marked livor in the posterior superior regions of the trunk. The neck shows no crepitus or abnormal mobility of the head upon the cervical spine. The normal male breasts, abdomen, back and extremities are generally symmetrical and not remarkable other than as described. A moderate degree of post-mortem rigor remains.

BLADDER

This is intact, contains 500 ml of watery, colorless urine and is not in any way traumatized or otherwise abnormal.

PROSTATE

This is of ordinary size, shape, normally located and not grossly remarkable. It is neither enlarged nor nodular.

TESTES

These are symmetrically arranged within the scrotum and are not grossly remarkable.

EXTERNAL GENITALIA

These are circumcised and of ordinary size, shape and appearance for a male of this age.

BRAIN

This is not removed for examination. The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise.

HRC/wss
10/30/2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	* CIVIL DIVISION * * * * * * * NO. 02-1890-CD

COPY

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	* CIVIL DIVISION * * * * * * NO. 48-2003-CD

Deposition of : **LYNN A. SHARP**

Date : Monday, August 11, 2003
2:27 p.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

SCHREIBER REPORTING SERVICE
P.O. Box 997
St. Marys, PA 15857
(814) 834-5337

EXHIBIT
tabbies
10

Halloween's October 31.

A. Right.

Q. This was October the 6th, so you're saying sometime around the end of September --

A. Um-hmm.

Q. -- you remember hanging Halloween decorations.

A. Um-hmm.

Q. Where was that?

A. At Rick's.

Q. At Rick's place?

A. Yeah.

Q. All right. And you don't remember what happened in the days prior to the collision.

A. No, I do not.

Q. Nothing?

A. Nothing.

Q. You don't remember the collision?

A. No, I do not.

Q. Do you know whether or not you were driving?

A. No, I do not.

Q. Do you recall talking to Tammy Stansell?

A. No, I do not.

Q. Do you recall talking to the state police about the incident?

A. No, I do not.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administrator of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-189-CD

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Plaintiff	:	
v.	:	
	:	NO. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	(Coordinated in the Court of Common Pleas of Clearfield County, Pennsylvania)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Response in Opposition to the Motion For Partial Summary Judgment Filed by and on Behalf of Lynn A. Sharp, as Both Plaintiff and Defendant was mailed by first class mail, postage prepaid, or hand delivered this 14th day of July, 2004, to all counsel of record and unrepresented parties in the above-captioned matter as follows:

David J. Hopkins, Esq.
900 Beaver Drive
DuBois, PA 15801

R. Edward Ferraro, Esq.
Gregory Kruk, Esq.
690 Main Street
Brockway, PA 15824

Louis C. Schmitt, Jr., Esq.
P.O. Box 533
Hollidaysburg, PA 16648

William Shaw, Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

The Honorable Paul E. Cherry
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CIVIL DIVISION
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA CIVIL DIVISION No. 48 C.D. 2003
vs.		
LYNN A. SHARP, Defendant	:	ISSUE: **Motion for Summary Judgment**
	:	Filed on behalf of Defendant
	:	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	:	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 24th DAY OF JUNE, 2004.

Attorneys for Defendant

FILED

JUN 30 2004

William A. Shaw
Prothonotary/Clerk of Courts

#27

FILED

JUL 0 2 2004

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:	
Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:	
vs.	:	Case No.: 48 C.D. 2003
LYNN A. SHARP, Defendant.	:	JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this 2nd day of July, 2004, a Rule is hereby granted to show cause why the **Motion for Summary Judgment** filed by McIntyre, Dugas, Hartye & Schmitt for Defendant, Lynn A. Sharp in Action No. 48 C.D. 2003, should not be granted.

This Rule is returnable on the 19 day of July, 2004, at 9:30 A.m., in Courtroom Number 2, Clearfield County Courthouse, Clearfield, Pennsylvania 16830.

BY THE COURT:

By: Paul E. Cherry J.

#27

FILED 2cc
01 3:00 BK Atty Schmitt
JUL 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

ORDER

AND NOW, this ____ day of _____, 2004, upon consideration of the Motion for Summary Judgment filed by Defendant Lynn A. Sharp and any response thereto, it is hereby **ORDERED, ADJUDGED AND DECREED** that all of Plaintiff's claims in Action No. 48 C.D. 2003 are dismissed, with prejudice.

BY THE COURT:

_____

J.

LYNN A. SHARP,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:	
Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:	
vs.	:	Case No.: 48 C.D. 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Lynn A. Sharp, defendant in Case No. 48 C.D. 2003, by and through her attorneys, McIntyre, Dugas, Hartye & Schmitt, and files the following Motion for Summary Judgment, saying as follows:

1. Defendant Lynn A. Sharp incorporates herein by reference the Motion for Partial Summary Judgment filed on her behalf as a Plaintiff in Action No. 02-1890-CD.

WHEREFORE, Defendant Lynn A. Sharp respectfully requests that this Honorable Court dismiss all of Plaintiff's claims with prejudice, in Action No. 48 C.D. 2003.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By: _____
Attorneys for Defendant
Lynn A. Sharp

Louis C. Schmitt, Jr., Esquire
PA I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16638
(814) 696-3581

FILED NO CC
m/10:25 BL
JUN 30 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FILED

JUN 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff	:	
V.	:	NO. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard Eazor, Plaintiff	:	
V.	:	NO. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

RULE RETURNABLE

AND NOW, this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule is issued upon the Defendant to appear and show cause why the relief requested therein should not be granted.

Rule made returnable for Hearing the 19 day of July, 2004, at

(#26)

9:30 o'clock A. M., Clearfield County Courthouse, Courtroom No. 2.

BY THE COURT,

PAUL E. CHERRY,
JUDGE

FILED 4cc Atty Hopkins
01 4:00 BA
JUN 23 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	
	:	Type of Pleading: Motion for Partial Summary Judgment
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	900 Beaver Drive DuBois, Pennsylvania 15801
	:	(814) 375-0300

FILED

JUN 22 2004

William A. Shaw
Prothonotary/Clerk of Courts

(25)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

MOTION FOR PARTIAL SUMMARY JUDGMENT

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP, and files the within Motion for Partial Summary Judgment and says as follows:

1. Petitioner is Lynn A. Sharp (hereinafter "Sharp") who resides at Olive Avenue, DuBois, Pennsylvania.

2. Respondent is Candace A. Eazor (hereinafter "Eazor") who resides at Church Street, DuBois, Pennsylvania.

3. On October 6, 2002, Richard A. Eazor and Lynn A. Sharp were occupants of a motor vehicle involved in a single motor vehicle collision. A vehicle owned by Sharp collided with a tree. In said collision, Richard A. Eazor died and Lynn A. Sharp suffered serious personal injuries.

4. Candace A. Eazor was appointed the Administratrix of the Estate of Richard A. Eazor by the Register of Wills of Jefferson County, Pennsylvania;

5. Sharp commenced a civil action against Eazor, as Administratrix of the Estate of Richard A. Eazor, for the purposes of collecting damages she suffered in said collision. Said action was filed in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 02-1890-C.D. on December 6, 2002.

6. Eazor commenced a civil action against Sharp for the damages Richard A. Eazor suffered in said collision and for his alleged wrongful death. Said action was filed in the Court of Common Pleas of Jefferson County, Pennsylvania, at No. 48 C.D. 2003 on January 21, 2003.

7. In Sharp's action in Clearfield County, Sharp alleges she was the passenger and Richard A. Eazor was the driver of the motor vehicle. In Eazor's action in Jefferson County, Eazor alleges Richard A. Eazor was the passenger and Sharp was the driver of the motor vehicle.

8. The fundamental issue in both cases is who was the driver of the motor vehicle when the Sharp vehicle collided with the tree.

9. The pleadings are closed. Depositions have been taken. Plaintiff has supplied Defendant with an expert report. Defendant has failed to answer expert interrogatories.

10. Rule 1035.2(2) states that

After the relevant pleadings are closed . . . any party may move for summary judgment in whole or in part as a matter of law

(2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense in which a jury trial would require the issues to be submitted to a jury.

11. There are no material issues of fact.

12. Defendant was the driver of the motor vehicle when it collided with the tree.

13. Plaintiff Lynn Sharp is entitled to summary judgment on the issue of who was driving the motor vehicle when it collided with the tree.

14. Plaintiff incorporates by reference all statements of fact set forth in the attached brief as if set forth herein.

WHEREFORE, Plaintiff respectfully request this Honorable Court grant Plaintiff's request for partial summary judgment on the issue of who was driving the motor vehicle and declare as a matter of law that Richard Eazor was the driver of the motor vehicle when it collided with the tree on the night of October 6, 2002.

Respectfully submitted,

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Motion for Summary Judgment, filed on behalf of Lynn A. Sharp, was forwarding by first class mail, postage prepaid, on the 21st day of June, 2004, to all counsel of record, addressed as follows:

Gregory Kruk, Esquire
690 Main Street
Brockway, PA 15824

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	
	:	Type of Pleading: Consent Order
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	900 Beaver Drive DuBois, Pennsylvania 15801
	:	(814) 375-0300

FILED

MAY 27 2004

William A. Shaw
Prothonotary

#24

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

CONSENT ORDER

AND NOW, this 26th day of May, 2004, upon consent of the parties, it is hereby ORDERED and ADJUDGED as follows:

1. The Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1 filed by Lynn A. Sharp is hereby granted;

2. Court of Common Pleas of Clearfield County case of Lynn A. Sharp vs. Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor filed to Docket No. 2002-1890 C.D. and Court of Common Pleas of Jefferson County case of Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor vs. Lynn A. Sharp filed to

Docket No. 48-C.D. 2003 shall be coordinated in the Court of Common Pleas of Clearfield County;

3. All discovery and pre-trial matters in the coordinated cases shall be filed in Clearfield County using the caption of this Order;

4. The trial of the coordinated cases shall be heard in Clearfield County; and

5. All proceedings in the Court of Common Pleas of Jefferson County shall be stayed.

BY THE COURT,

_____

JUDGE

I hereby consent to the form and entry of the within Order.

_____

R. Edward Ferraro, Esquire

_____

Eugene C. Sundberg, Jr., Esquire

_____

Louis C. Schmitt, Jr., Esquire

_____

David J. Hopkins, Esquire

Docket No. 48-C.D. 2003 shall be coordinated in the Court of Common Pleas of Clearfield County;

3. All discovery and pre-trial matters in the coordinated cases shall be filed in Clearfield County using the caption of this Order;

4. The trial of the coordinated cases shall be heard in Clearfield County; and

5. All proceedings in the Court of Common Pleas of Jefferson County shall be stayed.

BY THE COURT,

Paul E. Cherry
JUDGE

I hereby consent to the form and entry of the within Order.

R. Edward Ferraro, Esquire

Eugene C. Sundberg, Jr., Esquire

Louis C. Schmitt, Jr., Esquire

David J. Hopkins, Esquire

FILED
0 9:05 BA 3 cc to Atty Nettzel
MAY 27 2004

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN SHARP	:	NO. 02-1890-CD
	:	
v.	:	
	:	
CANDACE EAZOR	:	

ORDER

NOW, this 26TH day of May, 2004, the Court having received a fully executed Consent Order, it is the ORDER of the Court that Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED.

BY THE COURT,

Paul E. Cherry

PAUL E. CHERRY,
JUDGE

FILED

MAY 26 2004

William A. Shaw
Prothonotary

#33

FILED
03:30 nn
MAY 26 2004

1 CC atty Heltzel
1 CC atty Sundberg

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN SHARP	:	NO. 02-1890-CD
	:	
v.	:	
	:	
CANDACE EAZOR	:	

ORDER

NOW, this 12TH day of May, 2004, the Court being advised that the parties have failed to comply with this Court's Order of April 23, 2004, it is the ORDER of this Court that a hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with said Order is scheduled for the 1 day of June, 2004, at 10:00 o'clock at A m. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania at which time the parties and their counsel must be present or a Bench Warrant may be issued for their arrest.

BY THE COURT,

Paul E. Cherry

PAUL E. CHERRY,
JUDGE

FILED

MAY 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
01:53 BH
MAY 12 2004

William A. Shaw
Prothonotary/Clerk of Courts

1 cc Atty Heltzel
1 cc Atty Sundberg
1 cc R. Edward Ferraro

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

Type of Pleading: Answer to New Matter

Filed on behalf of: Lynn A. Sharp, Plaintiff.

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

APR 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890 C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

ANSWER TO NEW MATTER

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel, LLP, and answers the New Matter of Defendant as follows:

17. Admitted in part and denied in part. Plaintiff admits the Pennsylvania Motor Vehicle Financial Responsibility Act has applicability to the causes before the Court, however, the Pennsylvania Motor Vehicle Financial Responsibility Act does not limit the claims of Plaintiff.

18. Denied. Plaintiff undertook no action that constituted negligence on her part that would bar her recovery.

19. Denied. Plaintiff has plead a cause of action in negligence entitling Plaintiff to relief.

20. Denied. Plaintiff engaged in no actions constituting contributory or comparable negligence.

21. Denied. Plaintiff's injuries and damages caused in whole or in part by Richard A. Eazor as more fully set forth in Plaintiff's Complaint are incorporated herein.

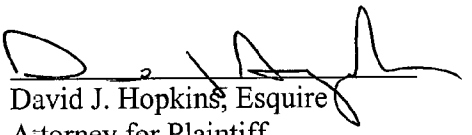
22. Denied. Lynn Sharp was the passenger of the motor vehicle. Richard Eazor was the driver of the motor vehicle.

23. Denied. Plaintiff's injuries and damages caused in whole by Richard A. Eazor as more fully set forth in Plaintiff's Complaint are incorporated herein.

24. Denied. Any presumptions, which Plaintiff Lynn Sharp specifically denies, are overcome by the weight of the evidence that Richard Eazor was the driver of the motor vehicle.

WHEREFORE, Plaintiff, Lynn A. Sharp, respectfully requests this Honorable Court to dismiss Defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor's New Matter with prejudice.

Respectfully submitted,



David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to Defendant's New Matter, filed on behalf of Lynn A. Sharp, was forwarding by first class mail, postage prepaid, on the 23rd day of April, 2004 to all counsel of record, addressed as follows:

R. Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

Eugene C. Sundberg, Jr., Esquire
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Plaintiff

FILED 2cc
12:30 BY Atty Hopkins
APR 23 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	
	:	
V.	:	NO. 02-1890-CD
	:	
CANDACE E. EAZOR	:	

ORDER

AND NOW, this 23rd day of April, 2004, the Court having been advised by David J. Hopkins, Esquire, attorney for Plaintiff, that the parties have reached an agreement with regard to the Plaintiff's Petition to Coordinate Actions and that hearing is no longer necessary, it is the ORDER of the Court that the hearing scheduled for April 23, 2004, at 10:30 a.m. be and is hereby cancelled. It is the further ORDER of this Court that counsel shall submit to the Court a signed Stipulation within fifteen (15) days of this date.

BY THE COURT,

Paul E. Cherry

PAUL E. CHERRY,
JUDGE

FILED

APR 23 2004

William A. Shaw
Prothonotary/Clerk of Courts

$20

FILED
APR 23 2004
William A. Shaw
Prothonotary/Clerk of Courts

cc Attys: Heltzel, Sundberg, and Ferraro

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	:	
Plaintiff	:	
	:	
v.	:	
	:	
CANDACE A. EAZOR, Administratrix of the	:	
Estate of RICHARD A. EAZOR, Deceased,	:	
Defendant	:	NO. 02-1890-CD

TO: PLAINTIFF AND PLAINTIFF'S COUNSEL

NOTICE TO PLEAD

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE ENCLOSED NEW MATTER WITHIN TWENTY (20) DAYS FROM SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

David S. Meholick, Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 754-2641, Ext. 5982

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg Jr.
Eugene C. Sundberg, Jr.
Attorney for Defendant

FILED

APR 19 2004

William A. Shaw
Prothonotary/Clerk of Courts

#19

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CASE NO. 02-1890-CD
	:	CIVIL DIVISION
v.	:	
	:	TYPE OF PLEADING:
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	**ANSWER AND NEW MATTER**
	:	FILED ON BEHALF OF: Defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Eugene C. Sundberg, Jr., Esq.
	:	Marsh Spaeder Baur Spaeder & Schaaf, LLP
	:	Suite 300, 300 State Street
	:	Erie, Pennsylvania 16507
	:	(814) 456-5301

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

ANSWER AND NEW MATTER

AND NOW, comes the defendant, CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, deceased, by and through her attorneys, **Marsh Spaeder Baur Spaeder & Schaaf, LLP**, and files the following Answer and New Matter, averring in support thereof, the following:

1. Admitted.

2. Admitted.

3. Denied. It is specifically denied that on October 6, 2002, Richard Eazor, deceased, was driving an automobile owned by the plaintiff, Lynn A. Sharp, in or about the Siegel area. By way of further response, it is maintained and therefore averred that on October 6, 2002, the plaintiff, Lynn A. Sharp, was driving the said automobile that she owned, in or about the Siegel area.

4. Denied. It is specifically denied that the plaintiff, Lynn A. Sharp, was a passenger sitting in the front passenger seat on the right-hand side of the motor vehicle operated by Richard A. Eazor.

5. Denied. It is specifically denied that Richard A. Eazor, deceased, was driving the vehicle in question and therefore, it is maintained and therefore averred that Richard A. Eazor,

deceased, did not operate the motor vehicle in a negligent, careless and/or reckless manner so as to cause the motor vehicle to leave the roadway striking a tree.

By way of further response, it is maintained and therefore averred that the plaintiff, Lynn A. Sharp, was driving the vehicle in question and therefore the plaintiff, Lynn A. Sharp, drove the motor vehicle in a negligent, careless and reckless manner so as to cause the motor vehicle to leave the roadway striking the tree.

6. Denied. It is specifically denied that Richard A. Eazor, deceased, was negligent, careless and/or reckless in one or any of the following manners:

a. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle while intoxicated. It is denied that Richard A. Eazor was driving the motor vehicle and strict proof is demanded at the time of trial;

b. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

c. Denied. It is specifically denied that Richard A. Eazor, deceased, failed to operate the motor vehicle on the right side of the roadway. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

d. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle without due regard to the rights, safety and well-being and position of plaintiff

under the circumstances. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

e. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle without regard to the current weather and road conditions. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

f. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle at such a speed so as to not be able to stop within his assured clear distance. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

g. Denied. It is specifically denied that Richard A. Eazor, deceased, failed to maintain the motor vehicle on the roadway. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

h. Denied. It is specifically denied that Richard A. Eazor, deceased, operated the motor vehicle without a valid driver's license. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial;

i. Denied. It is specifically denied that Richard A. Eazor drove a motor vehicle, owned by the plaintiff, off of the travel portion of a roadway and into a tree. It is specifically denied that Richard A. Eazor, deceased, was driving the motor vehicle and strict proof is demanded at the time of trial. It is acknowledged that the vehicle in question was owned by the plaintiff, Lynn A. Sharp, on the day of the accident.

7. Denied. The allegations contained within Paragraph 7 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

8. Denied. The allegations contained within Paragraph 8 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

9. Denied. The allegations contained within Paragraph 9 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

10. Denied. The allegations contained within Paragraph 10 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

11. Denied. The allegations contained within Paragraph 11 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

12. Denied. The allegations contained within Paragraph 12 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

13. Denied. The allegations contained within Paragraph 13 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

WHEREFORE, the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, respectfully requests this Honorable Court to enter judgment in her favor and against plaintiff, Lynn A. Sharp, along with costs, attorney's fees and any other recovery this Honorable Court may deem appropriate.

COUNT II

14. The defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, incorporates by reference those responses to Paragraphs 1 through 13, inclusive, as if fully set forth herein.

15. Denied. It is specifically denied that Richard A. Eazor, deceased, was operating the motor vehicle in question and strict proof is demanded at the time of trial. By way of further response, it is maintained and therefore averred that the allegations contained within Paragraph 15 of plaintiff's Complaint amount to a legal conclusion to which no responsive pleading is required and the same is therefore denied with strict proof being demanded at the time of trial.

16. Denied. The allegations contained within Paragraph 16 amount to legal conclusions to which no responsive pleading is required and the same are therefore denied with strict proof being demanded at the time of trial.

WHEREFORE, the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, respectfully requests this Honorable Court to enter judgment in her favor and against plaintiff, Lynn A. Sharp, along with costs, attorney's fees and any other recovery this Honorable Court may deem appropriate.

NEW MATTER

17. The defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, raises and asserts the rights, privileges, defenses and immunities provided to her within the Pennsylvania Motor Vehicle Financial Responsibility Act, 75 Pa.C.S.A. § 1701, *et seq.*

18. The plaintiff's alleged damages were a result of the plaintiff, Lynn A. Sharp's, own negligence, and as a consequence, the plaintiff is barred from any recovery from the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased.

19. The plaintiff's Complaint fails to set forth sufficient facts and allegations to state a valid claim upon which relief may be granted against the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased.

20. The claims of the plaintiff, Lynn A. Sharp, are diminished or fully barred by her own contributory/comparative negligence in accordance with the provisions of the Pennsylvania Comparative Negligence Act, 42 Pa.C.S.A. § 7102, *et seq.*

21. The plaintiff's injuries and/or damages were caused in whole or in part by superseding, intervening facts or factors, over which Richard A. Eazor, deceased, had no control or duty.

22. The plaintiff, Lynn A. Sharp, was driving her own car at the time of the accident with Richard A. Eazor as the front seat passenger.

23. The plaintiff's claims must fail due to concurrent causes, all of which were out of the control and/or duty of Richard A. Eazor, deceased.

24. The plaintiff, Lynn A. Sharp, was the owner of the vehicle in question and is presumed to be the driver of that vehicle, without sufficient evidence to prove otherwise.

WHEREFORE, the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, respectfully requests this Honorable Court to enter judgment in her favor and against plaintiff, Lynn A. Sharp, along with costs, attorney's fees and any other recovery this Honorable Court may deem appropriate.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Attorneys for Defendant
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	:	
Plaintiff	:	
	:	
v.	:	
	:	
CANDACE A. EAZOR, Administratrix of the	:	
Estate of RICHARD A. EAZOR, Deceased,	:	
Defendant	:	NO. 02-1890-CD

VERIFICATION

I, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, deceased, hereby verify that the facts contained in the within Answer and New Matter are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities and is given pursuant to the provisions for verification of pleadings as defined and provided for in Rule 1024 of the Pennsylvania Rules of Civil Procedure.

Witness:

Gregory M. Kruk

Candace A. Eazor, Administratrix of the
Estate of Richard A. Eazor, Deceased

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer and New Matter was mailed by first class mail, postage prepaid, or hand delivered this 16TH day of April, 2004, to all counsel of record and unrepresented parties in the above-captioned matter as follows:

David J. Hopkins, Esq.
900 Beaver Drive
DuBois, PA 15801

R. Edward Ferraro, Esq.
690 Main Street
Brockway, PA 15824

Lewis C. Schmitt, Jr., Esq.
P.O. Box 533
Hollidaysburg, PA 16648

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.
Eugene C. Sundberg, Jr.
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890 C.D.

Type of Pleading: Amended Complaint

Filed on behalf of: Lynn A. Sharp, Plaintiff.

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

APR 07 2004

William A. Shaw
Prothonotary/Clerk of Courts

#18

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890 C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE

TO: Defendant

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint is served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890 C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

AMENDED COMPLAINT

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP, and files the within Amended Complaint against Candace A. Eazor, Administrator of the Estate of Richard A. Eazor and in support thereof says as follows:

1. Plaintiff incorporates all of the allegations set forth in the Complaint filed on December 6, 2002, except as set forth in paragraph 6(i).

6(i). Drove a motor vehicle owned by Plaintiff off of the traveled portion of a roadway and into a tree.

WHEREFORE, Plaintiff respectfully demands judgment against Defendant for compensatory damages in an amount exceeding $20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

Respectfully submitted,

David J. Hopkins, Esquire
Attorney for Plaintiff

VERIFICATION

I, David J. Hopkins, Esquire, do hereby state that I am the attorney for the Plaintiff, Lynn Sharp, that I am authorized to make this Verification on behalf of the Plaintiff, and the facts set forth in the foregoing Amended Complaint are true and correct, not at my own knowledge, but from information supplied to me from the Defendants, and that the purpose of this Verification is to expedite the litigation, and that the Verification of the Plaintiff, Lynn Sharp, will be supplied, if demanded, also, subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Amended Complaint, filed on behalf of Lynn A. Sharp, was forwarding by first class mail, postage prepaid, on the 6th day of April, 2004, to all counsel of record, addressed as follows:

R. Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

Louis C. Schmitt, Jr., Esquire
McIntyre, Dugas, Hartye and Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	
	:	
vs.	:	No. 02-1890-CD
	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor	:	

ORDER

AND NOW, this 16th day of March, 2004, it is the ORDER of the Court that argument on Plaintiff's Petition to Coordinate Actions in the above matter has been scheduled for **Friday, April 23, 2004 at 10:30 A.M.**, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

Paul E. Cherry
Judge

FILED

MAR 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

#17

FILED 3cc Atty Hopkins
01/9:43 BOL 1cc Atty Kraft
MAR 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

FILED

MAR 0 8 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the ANSWER TO PETITION TO COORDINATE ACTIONS PURSUANT TO Pa. R.C.P. §213.1, filed on behalf of Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, was forwarded by first class mail, postage prepaid, on the 5TH day of March, 2004, to all counsel of record, addressed as follows:

David J. Hopkins, Esquire
Hopkins Heltzel, LLP
900 Beaver Drive
DuBois, PA 15801

Louis C. Schmitt, Jr., Esquire
McIntyre, Dugas, Hartye and Schmitt
PO Box 533
Hollidaysburg, PA 16648

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaff, LLP
Suite 300, 300 State Street
Erie, PA 16507

R. Edward Ferraro, Esquire
Attorney for Candace A. Eazor,
Administratrix

#10

FILED NO CC
m/9:43 BA
MAR 08 2004

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

FILED

MAR 0 8 2004

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

No. 48 – 2003 - CD

Type of Pleading: Answer of Candace A. Eazor, Administrator of the Estate of Richard A. Eazor, to Lynn A. Sharp's Petition to Coordinate Actions

Filed on Behalf of: Candace A. Eazor, Administrator

Counsel of Record for this Party:

FERRARO & YOUNG

R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

#15

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff	:	No. 48 – 2003 - CD
vs.	:	
LYNN A. SHARP, Defendant	:	

ANSWER TO PETITION TO COORDINATE ACTIONS PURSUANT TO Pa.R.C.P. §213.1

TO THE HONORABLE JUDGES OF SAID COURT:

AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, and files the within Answer to the Petition of Lynn A. Sharp to Coordinate Actions pursuant to Pa. R.C.P. §213.1, of which the following is a concise statement:

1. ADMITTED.

2. DENIED. It is DENIED that Candace A. Eazor resides at Church Street in DuBois. On the contrary, Candace A. Eazor has a residence address of 508 North Court Street, DuBois, PA (15801).

3. ADMITTED in part and DENIED in part. It was ADMITTED that on October 6, 2002 Richard A. Eazor and Lynn A. Sharp were occupants of a motor vehicle involved in a single motor vehicle collision. It is ADMITTED that the vehicle was owned by Sharp and that it collided with a tree. It is ADMITTED that Richard A. Eazor died as a result of the collision but it is DENIED that he died in the collision. It is furthermore DENIED that Lynn A. Sharp suffered serious personal injuries and after reasonable investigation Candace A. Eazor, Administratrix, is without the information or knowledge sufficient to form a belief as to that averment and it is anticipated that there will be more discovery in these cases and therefore the same is DENIED and specific proof of the same is required at the trial of these matters.

4. ADMITTED.

5. ADMITTED.

6. ADMITTED.

7. ADMITTED.

8. ADMITTED.

9. ADMITTED.

10. ADMITTED in part and DENIED in part. It is ADMITTED that it is appropriate to consolidate the two (2) actions for the reasons set forth in Lynn A. Sharp's Petition, paragraph 10(a) – (f). However, it is DENIED that the consolidation should occur in Clearfield County. On the contrary, Candace A. Eazor, Administratrix, believes that the consolidation should occur in Jefferson County for the following reasons:

(a) The site of the collision was in Northern Jefferson County in a remote spot and it would be inconvenient for the parties and witnesses to have the trial occur in Clearfield County and the view, which is likely, occur at a spot in Jefferson County;

(b) Both individuals involved in these actions, Richard A. Eazor and Lynn A. Sharp, were residents of Jefferson County at the time of the October 6, 2002 collision, the Estate opened for Richard A. Eazor was in Jefferson County, the place of employment of Richard A. Eazor, the location of his family members and the location of the employment of Candace A. Eazor, Administratrix, were in Jefferson County, the investigating Police Officer, Guy Batistelli, was from the Punxsutawney Barracks of the Pennsylvania State Police in Jefferson County and a significant number of witnesses are residents of Jefferson County or will testify to events which occurred in Jefferson County.

11. ADMITTED. Candace A. Eazor, Administratrix, herein adds that the Court is also authorized to stay the proceedings in Clearfield County and transfer the proceedings in Clearfield County to **JEFFERSON** County for consolidation.

WHEREFORE, Candace A. Eazor, Administratrix, prays this Honorable Court to:

1. Deny the Petition of Plaintiff to coordinate the proceedings in Clearfield County;

2. Coordinate the Court of Common of Clearfield County Case at No. 2002-1890-C.D. with the Court of Common Pleas of Jefferson County Case at No. 2003-48-C.D. and require all discovery and pre-trial matters in the coordinated cases be filed in the Court of Pleas of **JEFFERSON** County under Docket No. 2003-48-C.D.;

3. Require that the conduct of the trial of the coordinated cases be held in **JEFFERSON** County;

4. Stay any and all proceedings in the Court of Common Pleas of Clearfield County at No. 2002-1890-C.D.; and

5. Make any other appropriate Orders as the Court deems necessary.

FERRARO & YOUNG
Attorneys at Law

BY: _____
Attorney for Candace A. Eazor,
Administratrix

eazor, richard – ans to petition to coordinate action joint counties
cgm

FILED
MAR 08 2004
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

FILED

FEB 18 2004

William A. Shaw
Prothonotary/Clerk of Courts

RULE TO SHOW CAUSE

AND NOW, this 18th day of February, 2004, upon consideration of the attached Petition, a Rule is hereby issued upon Respondent, Candace A. Eazor, to Show Cause why the Petition should not be granted. Rule Returnable the 9 day of March, 2004, for filing written response.

Pursuant to Pa.R.C.P. 213.1(b), the matter of Candace A. Eazor vs. Lynn A. Sharp filed in the Court of Common Pleas of Jefferson County at Docket No. 48 C.D. 2003 is hereby stayed pending a resolution of this Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1.

#14

NOTICE

A PETITION OR MOTION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITIONER OR MOVANT. YOU MAY LOOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

COURT ADMINISTRATOR
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 15801
(814) 765-2641

BY THE COURT,

Paul E. Cherry
JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	
	:	Type of Pleading: Petition to Coordinate Actions Pursuant to Pa.R.C.P. §213.1
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	900 Beaver Drive DuBois, Pennsylvania 15801
	:	(814) 375-0300

FILED

FEB 17 2004

William A. Shaw
Prothonotary/Clerk of Courts

#13

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

PETITION TO COORDINATE ACTIONS
PURSUANT TO Pa.R.C.P. §213.1

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP, and files the within Petition and says as follows:

1. Petitioner is Lynn A. Sharp (hereinafter "Sharp") who resides at Olive Avenue, DuBois, Pennsylvania.

2. Respondent is Candace A. Eazor (hereinafter "Eazor") who resides at Church Street, DuBois, Pennsylvania.

3. On October 6, 2002, Richard A. Eazor and Lynn A. Sharp were occupants of a motor vehicle involved in a single motor vehicle collision. A vehicle owned by Sharp collided with a tree. In said collision, Richard A. Eazor died and Lynn A. Sharp suffered serious personal injuries.

4. Candace A. Eazor was appointed the Administratrix of the Estate of Richard A. Eazor by the Register of Wills of Jefferson County, Pennsylvania;

5. Sharp commenced a civil action against Eazor, as Administratrix of the Estate of Richard A. Eazor, for the purposes of collecting damages she suffered in said collision. Said action was filed in the Court of Common Pleas of Clearfield County, Pennsylvania at No. 02-1890-C.D. on December 6, 2002.

6. Eazor commenced a civil action against Sharp for the damages Richard A. Eazor suffered in said collision and for his alleged wrongful death. Said action was filed in the Court of Common Pleas of Jefferson County, Pennsylvania, at No. 48 C.D. 2003 on January 21, 2003.

7. In Sharp's action in Clearfield County, Sharp alleges she was the passenger and Richard A. Eazor was the driver of the motor vehicle. In Eazor's action in Jefferson County, Eazor alleges Richard A. Eazor was the passenger and Sharp was the driver of the motor vehicle.

8. The fundamental issue in both cases is who was the driver of the motor vehicle when the Sharp vehicle collided with the tree.

9. Pa.R.C.P. No. 213.1 sanctions the coordination of actions in this case because both cases arise out of a common question of fact and from the same occurrence.

10. Pursuant to Pa.R.C.P. No. 213.1, it is appropriate to consolidate the two actions because:

a. The issue of who was driving the Sharp motor vehicle when it collided with the tree is common to both cases and predominant and significant to the litigation;

b. It will be more convenient with parties, witnesses and counsel to try the issue of liability only once. In the liability trial, a significant number of witnesses will be necessary, including but not limited to, two Pennsylvania State Police officers, forensic engineer, two ambulance personnel and an orthopedic surgeon;

c. Coordination will not result in unreasonable delay or expense to a party nor will it prejudice a party subject to the coordination order. To the contrary, coordination will result in the efficacious resolution of the disputes presented in both cases;

d. Coordination will be the more efficient utilization of judicial facilities and personnel and will result in the just and efficient conduct of the actions;

e. Failure to coordinate could cause duplicative and inconsistent rulings, orders or judgments; and

f. Settlement is more likely if the actions are coordinated.

11. Pursuant to Pa.R.C.P. No. 213.1 (b), this court is authorized to stay the proceedings in Jefferson County.

WHEREFORE, Petitioner Lynn A. Sharp prays this Honorable Court to:

1. Coordinate Court of Common Pleas of Clearfield County case of Lynn A. Sharp v. Candace A. Eazor filed to Docket No. 2002-1890-C.D. with the Court of Common Pleas of Jefferson County case of Candace A. Eazor v. Lynn A. Sharp filed to Docket No. 2003-48-C.D;

2. Require all discovery and pretrial matters in the coordinated cases be filed in the Court of Common Pleas of Clearfield County under Docket No. 2002-1890-C.D.;

3. Conduct the trial of the coordinated cases in the Court of Common Pleas of Clearfield County under Docket No. 2002-1890-C.D.;

4. Stay any all proceedings in the Court of Common Pleas in Jefferson County filed to Docket No. 2003-48-C.D.; and

5. Make any other appropriate Orders as the Court deems necessary.

Respectfully submitted,

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	No. 48 C.D. 2003
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of PETITION TO COORDINATE ACTIONS PURSUANT TO Pa.R.C.P. §213.1, filed on behalf of Lynn A. Sharp, was forwarding by first class mail, postage prepaid, on the 9th day of February, 2004, to all counsel of record, addressed as follows:

R. Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
McIntyre, Dugas, Hartye and Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	NO. 2002-1890-C.D.
VS.	:	
CANDACE A. EAZOR	:	

ORDER

And now this 9th day of January, 2004, following Argument on Defendant's Preliminary Objections and Petition for Change of Venue, it is the ORDER of this Court that the Preliminary Objections and Petition for Change of Venue are hereby denied.

BY THE COURT,

Paul E. Cherry

HONORABLE PAUL E. CHERRY, JUDGE

FILED

JAN 09 2004

William A. Shaw
Prothonotary/Clerk of Courts

FILED
01 3:55 BA
JAN 09 2004
William A. Shaw
Prothonotary, Clerk of Courts

cc Atty Heltzel
cc Atty Sendberg

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP	:	
	:	
vs.	:	No. 02-1890-CD
	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor	:	

ORDER

AND NOW, this 17th day of December, 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from December 29, 2003 to **Tuesday, January 6, 2004 at 10:00 A.M.** before the Honorable Judge Paul E. Cherry, in Courtroom No. 2, Clearfield County Courthouse, Clearfield, PA.

BY THE COURT:

JOHN K. REILLY, JR.
President Judge

FILED

DEC 17 2003

William A. Shaw
Prothonotary

FILED
DEC 17 2003
William [illegible] Shaw
Prot[illegible]tary

ICC atty Hartzel
ICC atty Kruk

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

Type of Pleading: Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21

Filed on behalf of: Lynn A. Sharp, Plaintiff.

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

SEP 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

#10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO Pa.R.C.P. 4009.21

TO: Brockway Ambulance Service
Attn: Marilyn Becker
P.O. Box 222
Brockway, PA 15824

David J. Hopkins, Esquire, counsel for Lynn A. Sharp, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: 9-14-2003

David J. Hopkins, Esquire

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lynn A. Sharp *
Plaintiff(s)

Vs. * No. 2002-01890-CD

Candace A. Eazor *
Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: Brockway Ambulance Service
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

Medical records of Richard Eazor (184-52-5367) Date of Birth: 6-29-59

Hopkins Law Firm
900 Beaver Drive (Address)
DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: David J. Hopkins Esquire
ADDRESS: 900 Beaver Drive
DuBois, PA 15801
TELEPHONE: (814) 375-0300
SUPREME COURT ID # 42519
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, September 05, 2003
Seal of the Court

~~Deputy~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 filed on behalf of Lynn A. Sharp was forwarded on the 17th day of September, 2003, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 15548

Eugene C. Sunderberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Gregory Kruk, Esquire
690 Main Street
Brockway, PA 15824

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

Type of Pleading: Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21

Filed on behalf of: Lynn A. Sharp, Plaintiff.

Counsel of Record for this party:

THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

SEP 18 2003

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO Pa.R.C.P. 4009.21

TO: Medical Records Custodian
DuBois Regional Medical Center
100 Hospital Avenue
P.O. Box 447
DuBois, PA 15801

David J. Hopkins, Esquire, counsel for Lynn A. Sharp, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: 9-14-2003

David J. Hopkins, Esquire

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lynn A. Sharp *
Plaintiff(s)

Vs. * No. 2002-01890-CD

Candace A. Eazor *
Defendant(s)

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: DuBois Regional Medical Center
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

Medical records, autopsy, and x-rays of Richard Eazor (184-52-5367) Date of Birth: 6-29-59

Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: David J. Hopkins, Esquire
ADDRESS: 900 Beaver Drive
DuBois, PA 15801
TELEPHONE: (814) 375-0300
SUPREME COURT ID # 42519
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

DATE: Friday, September 05, 2003
Seal of the Court

~~Deputy~~

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 filed on behalf of Lynn A. Sharp was forwarded on the 17th day of September, 2003, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 15548

Eugene C. Sunderberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Gregory Kruk, Esquire
690 Main Street
Brockway, PA 15824

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-C.D.

Type of Pleading: Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21

Filed on behalf of: Lynn A. Sharp, Plaintiff

Counsel of Record for this party:

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED

MAY 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE OF INTENT TO SERVE A SUBPOENA TO PRODUCE DOCUMENTS AND THINGS FOR DISCOVERY PURSUANT TO Pa.R.C.P. 4009.21

TO: Commissioner Jeffrey B. Miller
Custodian of Records
Pennsylvania State Police
1800 Elmerton Avenue
Harrisburg, PA 17110

Plaintiff, Lynn A. Sharp, intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

Dated: 5-21-03

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 filed on behalf of Lynn A. Sharp was forwarded on the 21 day of May, 2003, by U.S. Mail, postage prepaid, to all counsel of record, addressed as follows:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Gregory M. Kruk, Esquire
690 Main Street
Brockway, PA 15824

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Lynn A. Sharp Plaintiff(s)	*	
Vs.	*	No. 2002-01890-CD
Candace A. Eazor Defendant(s)	*	

SUBPOENA TO PRODUCE DOCUMENTS OR THINGS FOR DISCOVERY PURSUANT TO RULE 4009.22

TO: Commissioner Jeffrey B. Miller - Pennsylvania State Police
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the Court to produce the following documents or things:

Your complete file, including but not limited to, coroner report, autopsy and statement forms from both witnesses.

(Address)
900 Beaver Drive, DuBois, PA 15801

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: David J. Hopkins, Esquire
ADDRESS: 900 Beaver Drive, DuBois, PA 15801

TELEPHONE: (814) 375-0300
SUPREME COURT ID # 42519
ATTORNEY FOR: Plaintiff

BY THE COURT:

William A. Shaw

Prothonotary/Clerk, Civil Division

DATE: Friday, May 02, 2003
Seal of the Court

~~Deputy~~

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2006
Clearfield Co., Clearfield, PA

FILED NO CC
01:42 BY
MAY 28 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CASE NO. 02 - 1890 - CD
	:	CIVIL DIVISION
v.	:	
	:	TYPE OF PLEADING:
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Defendant	:	**PRAECIPE FOR ENTRY OF APPEARANCE**
	:	FILED ON BEHALF OF: Defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Eugene C. Sundberg, Jr., Esq.
	:	Marsh Spaeder Baur Spaeder & Schaaf, LLP
	:	Suite 300, 300 State Street
	:	Erie, Pennsylvania 16507
	:	(814) 456-5301

FILED

MAR 17 2003

William A. Shaw
Prothonotary

#1

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	CIVIL DIVISION
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Defendant	:	NO. 02 - 1890 - CD

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter the appearance of Marsh Spaeder Baur Spaeder & Schaaf, LLP on behalf of defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.

Eugene C. Sundberg, Jr.
Attorneys for Defendant, Candace A. Eazor,
Administratrix of the Estate of Richard A. Eazor
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	CIVIL DIVISION
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Defendant	:	NO. 02 - 1890 - CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecipe for Entry of Appearance was mailed by first class mail, postage prepaid, or hand delivered this 14 day of March, 2003, to all counsel of record and unrepresented parties in the above-captioned matter as follows:

Lea Ann Heltzel, Esq.
Hopkins Law Firm
900 Beaver Drive
DuBois, PA 15801

R. Edward Ferrarro, Esq.
690 Main Street
Brockway, PA 15824

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg, Jr.
Eugene C. Sundberg, Jr.
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301

FILED NO CC
m/1:35-BM
MAR 17 2003
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

Type of Pleading: Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006(d)(1)

Filed on Behalf of:
Defendant

Counsel of Record for this Party:
R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

FILED

MAR 0 4 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Petition and Notice are served, by entering a written appearance personally or by attorney, and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Petition or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

William Shaw, Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830
814/765-2641, Ext. 5988

FERRARO & YOUNG
Attorneys at Law
690 Main Street
Brockway, PA 15824

Date: 3/03/03

BY: _____
R. Edward Ferraro

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

PETITION FOR CHANGE OF VENUE UNDER PENNSYLVANIA RULE OF CIVIL PROCEDURE 1006(d)(1)

TO THE HONORABLE JUDGES OF SAID COURT:

AND NOW, comes **CANDACE A. EAZOR**, Administrator of the Estate of Richard A. Eazor, by her Attorneys **FERRARO & YOUNG**, and presents to your Honorable Court a Petition of which the following is a concise summary:

1. Petitioner is **CANDACE A. EAZOR**, an adult individual residing at 508 North Court, DuBois, Clearfield County, PA (15801).

2. Petitioner is the Administrator of the Estate of her brother, **RICHARD A. EAZOR**. She was issued Letters of Administration by the Register of Wills of **JEFFERSON COUNTY**, PA, on October 17, 2002.

3. The said **RICHARD A. EAZOR** died on October 6, 2002 while a passenger in an automobile driven by **LYNN A. SHARP**, an adult individual, with the automobile collision occurring in or about the Sigel area of **JEFFERSON COUNTY**, PA.

4. At the time of his death, **RICHARD A. EAZOR** was a resident of Game School Road, RR #1, Brockway, Polk Township, **JEFFERSON COUNTY**, Pennsylvania.

5. Petitioner, as Administrator of the Estate of **RICHARD A. EAZOR**, filed suit against the said **LYNN A. SHARP** in the Court of Common Pleas of **JEFFERSON COUNTY**, PA, at No. 48-2003-CD on January 21, 2003 for the injuries and death sustained by **RICHARD A. EAZOR**.

6. Key witnesses to the injuries and death sustained by **RICHARD A. EAZOR** and the manner in which the automobile was driven and the manner in which he died include the following:

(a) Tammy Stansel, 99 Main Street, Brockway, PA - She was the EMS nurse who arrived in a second ambulance to a house where **RICHARD A. EAZOR** and **LYNN A. SHARP** were taken after the collision. She had discussions with **LYNN A. SHARP** and at least three (3) times **LYNN A. SHARP** indicated to her that she was driving the vehicle at the time of the collision.

(b) Elizabeth Palmer, Longwell Road, Brockway, PA – She is the owner of the house where **RICHARD A. EAZOR** and **LYNN A. SHARP** were taken after the collision. She observed the activities which occurred at her house and she also is the mother of Rebecca Barraclough.

(c) Rebecca Barraclough, 1000 Westpoint Drive, Pittsburgh, PA – She was driving a vehicle which came upon the collision scene and she had a discussion with **RICHARD A. EAZOR** shortly after the collision wherein he indicated to her that **LYNN A. SHARP** was driving the vehicle at the time of the collision.

(d) William Cox, 2000 Westpoint Drive, Pittsburgh, PA - He was with Rebecca Barraclough in the vehicle which came upon the collision scene shortly after it happened. He also talked with **RICHARD A. EAZOR** and it was **RICHARD A. EAZOR** who indicated to him that **LYNN A. SHARP** was driving the vehicle at the time of the collision.

7. The only reason that the above-captioned lawsuit naming **RICHARD A. EAZOR** as a Defendant was filed in Clearfield County is that Plaintiff was able to serve the Complaint upon Petitioner as Administrator of the Estate of **RICHARD A. EAZOR** at Petitioner's residence in Clearfield County.

8. Plaintiff **LYNN A. SHARP** also would have been able to serve Petitioner at Petitioner's work site at 200 Main Street, Brockway, **JEFFERSON COUNTY**, PA.

9. Pennsylvania Rule of Civil Procedure 1006(d)(1) states

> For the convenience of parties and witnesses the court upon petition of any party may transfer an action to the appropriate court of any other county where the action could originally have been brought.

10. Petitioner believes that it would be more convenient for the parties and the witnesses to transfer the above-captioned action to **JEFFERSON COUNTY** for the following reasons:

(a) The accident site is in **JEFFERSON COUNTY.**

(b) As stated herein previously, the key witnesses to the incidents involving the collision, injuries and death of **RICHARD A. EAZOR** reside in **JEFFERSON COUNTY** or were present as witnesses to statements made at the collision scene and otherwise in **JEFFERSON COUNTY**.

(c) The decedent, **RICHARD A. EAZOR**, resided in and worked in **JEFFERSON COUNTY**.

(d) The Petitioner works in **JEFFERSON COUNTY.**

(e) It is believed and averred that at the time of the death of **RICHARD A. EAZOR**, the Plaintiff and her daughter were residing with **RICHARD A. EAZOR** at Game School Road, RR #1, Brockway, Polk Township, **JEFFERSON COUNTY**, PA.

(f) Petitioner filed a separate suit for the injuries sustained by **RICHARD A. EAZOR** in **JEFFERSON COUNTY** at No. 48-2003 CD

WHEREFORE, Petitioner requests your Honorable Court, in accordance with Pennsylvania Rule of Civil Procedure 1006(d)(1) transfer the above-captioned action to the **JEFFERSON COUNTY** Court of Common Pleas.

FERRARO & YOUNG
Attorneys at Law

BY: _____
Attorney for Petitioner

eazor, richard – clfd – petition change of venue
cgm

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 2-28-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILED 2cc Atty Ferraro
01 10:36 BK
MAR 04 2003

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Sheriff Docket # 13396

SHARP, LYNN A. 02-1890-CD

VS.

EAZOR, CANDACE A.

COMPLAINT

SHERIFF RETURNS

NOW DECEMBER 16, 2002 AT 11:50 AM EST SERVED THE WITHIN COMPLAINT ON CANDACE A. EAZOR, ADM. OF THE ESTATE OF RICHARD A. EAZOR AT RESIDENCE, 508 NORTH COURT, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CANDACE A. EAZOR A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN TO HER THE CONTENTS THEREOF.
SERVED BY: COUDRIET/RYEN

Return Costs

Cost	Description
43.07	SHFF. HAWKINS PD. BY: ATTY.
10.00	SURCHARGE PD. BY: ATTY.

Sworn to Before Me This

31st Day Of January 2003

So Answers,

Chester A. Hawkins
Sheriff

FILED

JAN 31 2003
01 11:07 a.m.
William A. Shaw
Prothonotary

no cc

#5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	
vs.	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	Type of Pleading: Praecipe to Submit Verification
	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	Counsel of Record for this party: THE HOPKINS LAW FIRM
	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	900 Beaver Drive DuBois, Pennsylvania 15801
	(814) 375-0300

FILED

JAN 29 2003

William A. Shaw
Prothonotary

(#4)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890 C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

PRAECIPE TO SUBMIT VERIFICATIONS

TO THE PROTHONOTARY:

Kindly submit attach Verification to Plaintiff's Answer to Defendant's Preliminary Objections to Plaintiff's Complaint.

David J. Hopkins, Esquire
Attorney for Plaintiff

Dated: 1-28-03

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Lynn A. Sharp

Lynn A. Sharp

FILED 1cc
01 2:33
JAN 29 2003
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	
vs.	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	Type of Pleading: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint
	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	Counsel of Record for this party: THE HOPKINS LAW FIRM
	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	900 Beaver Drive DuBois, Pennsylvania 15801
	(814) 375-0300

FILED

JAN 23 2003

William A. Shaw
Prothonotary

(#3)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890 C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

ANSWER TO DEFENDANT'S PRELIMINARY OBJECTION TO PLAINTIFF'S COMPLAINT

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, The Hopkins Law Firm, and answers Defendant's Preliminary Objection to Plaintiff's Complaint as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Denied. Immediately prior to the October 6, 2002 vehicular accident causing Plaintiff's personal injuries, Plaintiff and her daughter were in the process of moving into the home of Richard A. Eazor. However, Plaintiff and her daughter maintained their principal residence and domicile within Clearfield County at 416 Maple Avenue, DuBois, Pennsylvania 15801.

8. Admitted.

9. Denied. Pa.R.C.P. §1006 states in pertinent part:

> An action against an individual may be brought **in and only in a county in which the individual may be served or in which the cause of action arose or where a transaction or occurrence took place out of which the cause of action arose or in any other county authorized by law.**

The Plaintiff is a resident of the City of DuBois, County of Clearfield and was duly served at her home by the Clearfield County Sheriff's Department. Consequently, venue is proper in Clearfield County.

10. Admitted in part and denied in part. Plaintiff admits Pa.R.C.P. §1028(a)(1) provides that preliminary objections may be filed by any part to any pleading for improper venue. Plaintiff denies this action is in an improper venue inasmuch as Defendant is a resident of Clearfield County and was served in Clearfield County.

WHEREFORE, Plaintiff respectfully requests Defendant's request to change venue be denied and Defendant be directed to file an Answer to Plaintiff's Complaint with twenty days or suffer a default judgment.

Respectfully submitted,

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to Defendant's Preliminary Objections to Plaintiff's Complaint, filed on behalf of Lynn A. Sharp, was forwarding by first class mail, postage prepaid, on the 21st day of January, 2003, to all counsel of record, addressed as follows:

R. Edward Ferraro, Esquire
690 Main Street
Brockway, PA 15824

David J. Hopkins, Esquire
Attorney for Plaintiff

FILED NO
m 11:35 BA CC
JAN 23 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

NO. 02-1890-CD

Type of Pleading: DEFENDANT'S PRELIMINARY OBJECTION TO PLAINTIFF'S COMPLAINT

Filed on Behalf of:
DEFENDANT

Counsel of Record for this Party:
R. EDWARD FERRARO, ESQ.
Supreme Court No. 05880

690 Main Street
Brockway, PA 15824
814/268-2202

FILED

JAN 03 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE TO PLEAD

TO THE WITHIN PLAINTIFF:

YOU ARE HEREBY NOTIFIED TO PLEAD TO THE WITHIN PRELIMINARY OBJECTION WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF.

FERRARO & YOUNG

BY: 

R. Edward Ferraro, Esq.
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	NO. 02-1890-CD
vs.	:	
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

DEFENDANT'S PRELIMINARY OBJECTION TO PLAINTIFF'S COMPLAINT

Defendant, **CANDACE A. EAZOR**, Administrator of the Estate of Richard A. Eazor, Defendant, by her undersigned attorney, preliminarily objects to Plaintiff's Complaint pursuant to Pa. R.C.P. 1028 as follows:

1. Plaintiff, **LYNN A. SHARP**, filed a Complaint in the above-captioned matter on December 6, 2002 wherein she alleges that on October 6, 2002, she was injured in an automobile collision which occurred in or about the Sigel area.

2. Plaintiff's Complaint alleges that she was injured as a passenger in a vehicle being operated by Richard A. Eazor.

3. Plaintiff furthermore alleges in paragraph 1 of her Complaint that she is a resident at 416 Maple Avenue, DuBois, Clearfield County, PA (15801).

4. Plaintiff furthermore alleged that Defendant individually is a resident of DuBois, Clearfield County, PA.

5. Defendant serves as the Administrator of the Estate of Richard A. Eazor and this is a **JEFFERSON COUNTY** Estate wherein Defendant was appointed as Administrator of the Estate by the Register of Wills of Jefferson County, PA, by document dated October 17, 2002.

I, CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, verify that the statements made in the within are true and correct. I understand false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: 1-2-03

Candace A. Eazor,
Administrator of the
Estate of Richard A. Eazor

FILED 2cc
m 10:31 Atty Ferraro
JAN 0 3 2003

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-CD

Type of Pleading: Complaint

Filed on behalf of: Lynn A. Sharp, Plaintiff.

Counsel of Record for this party:
THE HOPKINS LAW FIRM

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

900 Beaver Drive
DuBois, Pennsylvania 15801

(814) 375-0300

FILED
DEC 00 2002
018:55/cc atty Heltzel
William A. Shaw
Prothonotary pd $85.00
2cc atty Heltzel

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

NOTICE

TO: Defendant

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Amended Complaint is served, by entering a written appearance personally or by Attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Office of the Court Administrator
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830
(814) 765-2641 (ext. 5982)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

COMPLAINT

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, The Hopkins Law Firm, and files the within Complaint against Candace A. Eazor, Administrator of the Estate of Richard A. Eazor and in support thereof says as follows:

1. Lynn A. Sharp is an adult individual maintaining a principal residence at 416 Maple Avenue, DuBois, Clearfield County, Pennsylvania 15801.

2. Defendant, Candace A. Eazor, is an adult individual who resides at 508 North Court, DuBois, Pennsylvania 15801. Candace A. Eazor was appointed as Administrator of the Estate of Richard A. Eazor by the Register of Wills of Jefferson County, Pennsylvania by document dated October 17, 2002.

3. On October 6, 2002, Richard A. Eazor was driving an automobile owned by Plaintiff in or about the Siegel area.

4. Plaintiff was a passenger sitting in the front passenger seat on the right hand side of the motor vehicle operated by Richard A. Eazor.

5. Without cause nor reason from the Plaintiff, Richard A. Eazor drove the motor vehicle in a negligent, careless and reckless manner so as to cause same to leave the roadway striking a tree.

6. The negligence, carelessness and recklessness of Richard A. Eazor, consisted of one or more of the following acts:

a. Operating the motor vehicle while intoxicated;

b. Operating the motor vehicle at a rate of speed far in excess of the posted speed limit and in excess of the fair, safe and reasonable speed for the roadway where the collision occurred;

c. Failing to operate the motor vehicle on the right side of the roadway;

d. Operating the motor vehicle without due regard to the rights, safety and well being and position of Plaintiff under the circumstances;

e. Operating the motor vehicle without regard to the current weather and road conditions;

f. Operating the motor vehicle at such a speed so as to not be able to stop within his assured cleared distance;

g. Failing to maintain the motor vehicle on the roadway;

h. Operating motor vehicle without a valid drivers license;

i. Such other acts of negligence, carelessness and recklessness as may be determined through the process of discovery.

7. As a direct, proximate, natural, foreseeable and probable consequence of Richard A. Eazor's negligence, carelessness and reckless conduct, Plaintiff suffered

severe personal injuries, including, but not limited to, head injuries, collapsed lung, bleeding spleen, right leg injuries and left foot injuries.

8. As a direct and proximate result of Richard Eazor's negligence, carelessness and reckless conduct, Plaintiff has suffered, and will suffer in the future, great pain, agony and inconvenience.

9. As a direct and proximate result of Richard Eazor's negligence, carelessness and reckless conduct, Plaintiff may lose wages in the future and will suffer a reduction in her earning power.

10. As a direct and proximate result of Richard Eazor's negligence, carelessness and reckless conduct, Plaintiff has incurred, and will in the future incur, expenses for medical treatment and physical therapy in an amount not yet ascertained.

11. As a direct and proximate result of Richard Eazor's negligence, carelessness and reckless conduct, Plaintiff has suffered loss in the quality of her life.

12. As a direct and proximate result of Richard Eazor's negligence, carelessness and reckless conduct, Plaintiff has suffered serious injuries within the meaning of Commonwealth of Pennsylvania statutes.

13. Defendant is liable for Plaintiff's injuries described herein, inasmuch as Plaintiff's injuries are the direct, proximate, natural, foreseeable and probable consequences of Richard Eazor's negligence, carelessness and reckless conduct.

WHEREFORE, Plaintiff respectfully demands judgment against Defendant for compensatory damages in an amount exceeding $20,000.00, costs of suit, interest and such further relief as the Court may deem just and equitable.

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.

Lynn A. Sharp

Lynn A. Sharp

COPY

June 23, 2005

Superior Court of Pennsylvania
Office of the Prothonotary
600 Grant Building
Pittsburgh, PA 15219

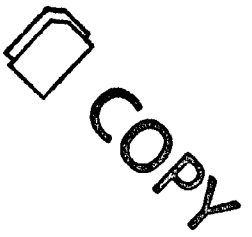
Re: Lynn A. Sharp
Vs.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor
No. 02-1890-CD
Superior Court No. 2013 WDA 2004

Dear Prothonotary:

Enclosed you will find the above referenced complete record appealed to your office. Please also find enclosed two transcripts.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts



Paul E. Cherry, Judge
Court of Common Pleas
230 E. Market Street
Clearfield, PA 16830

David J. Hopkins, Esq.
900 Beaver Drive
DuBois, PA 15801

Eugene C. Sundberg, Jr.
300 State St., Ste. 300
Erie, PA 16507

R. Edward Ferraro
690 Main Street
Brockway, PA 15824

William Weiler, Jr.
20399 Route 19 North, Ste. 205
Cranberry Twp., PA 16066

Lynn A. Sharp
Vs.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

Court No. 02-1890-CD; Superior Court No. 2013 WDA 2004

Dear Counsel:

Please be advised that the above referenced record was forwarded to the Superior Court of Pennsylvania on June 22, 2005.

Sincerely,

William A. Shaw
Prothonotary/Clerk of Courts

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Paul E. Cherry
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	John K. Reilly Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	John K. Reilly Jr.
12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Paul E. Cherry
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Paul E. Cherry
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Paul E. Cherry
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Paul E. Cherry
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Paul E. Cherry
	Certificate of Service, Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Paul E. Cherry
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Paul E. Cherry
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Paul E. Cherry
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Paul E. Cherry
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Paul E. Cherry
05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Paul E. Cherry
05/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Paul E. Cherry
05/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Paul E. Cherry
06/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Paul E. Cherry
06/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Paul E. Cherry
06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Paul E. Cherry
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Paul E. Cherry
07/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Permit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Paul E. Cherry
08/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Candace A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Paul E. Cherry
10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Paul E. Cherry
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Paul E. Cherry
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Paul E. Cherry
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Paul E. Cherry
11/18/2004	Filing: Appeal to High Court Paid by: Ferraro, R. Edward (attorney for Eazor, Candace A.) Receipt number: 1890587 Dated: 11/18/2004 Amount: $45.00 (Check) 1 Cert. with $60.00 check to Superior Court & 7 Cert. to Atty. Kruk.	Paul E. Cherry
	Proof of Service of Notice of Appeal, filed by Atty. Kruk 1 cert. to Superior and 7 cert. to Atty.	Paul E. Cherry
11/19/2004	Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC.	Paul E. Cherry
12/02/2004	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004, filed. No CC	Paul E. Cherry
12/06/2004	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed.	Paul E. Cherry
01/18/2005	Notice of Serving of Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor, served on Jan. 13, 2005, filed by s/ Eugene C. Sundberg, Jr., Esquire. no CC	Paul E. Cherry
03/11/2005	Request for Transcript, filed by s/Gregory Kruk, Esq. Three CC Attorney Kruk	Paul E. Cherry
03/23/2005	Order of the Superior Court of Penna., Upon consideration of appellant Eazor's March 15, 2005 "petition for reinstatement," the petition is GRANTED such that the instant appeal is REINSTATED. The original trial court record is due in theis court 40 days from the date of this Order. March 21, 2005 Per Curiam	Paul E. Cherry
03/24/2005	Motion To Consolidate Cases, filed by s/ William Weiler, Jr. Esquire. No CC	Paul E. Cherry
	Praecipe For Entry of Appearance, filed on behalf of Candice A. Eazor. Filed by s/ William Weiler, Jr., Esquire. No CC, Copy to C/a	Paul E. Cherry
	Order, AND NOW, this 24th day of March, 2005, the court having been notified of Appeal to the Superior Court of Pennsylvania it is the ORDER of this Court that Appellant file a concise statement no later than founrteen daays herefrom, as set fforth in Rule 1925(b) of the Rules of Appellate Procedure. BY THE COURT, /s/ Paul E. Cherry, Judge. 1CC Attys: Hopkins, Sundberg, Ferraro.	Paul E. Cherry
03/29/2005	Transcript Of Proceedings filed. Motion For Partial Summary Judgement, Motion For Summary Judgemnt. Held before the Honorable Paul E. Cherry, Judge, on Monday, July 19, 2004.	Paul E. Cherry
	Transcript Of Proceedings filed. Held before Paul E. Cherry, Judge, on Tuesday, Jan. 6, 2004.	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
04/06/2005	Concise Statement of Matters Complained of on Appeal, filed by s/ Gregory M. Kruk, Esquire. 5CC to Atty	Paul E. Cherry
	Certificate of Service, Concise Statement of Matters Complained of on Appeal, on the 6th day of April 2005, to David J. Hopkins, Esquire, and Louis C. Schmitt, Jr., Esquire.	Paul E. Cherry
04/07/2005	Objections To Motion to Consolidate Cases, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC	Paul E. Cherry
04/11/2005	Order, AND NOW, this 8th day of April, 2005, upon consideration of the Motion to Consolidate Cases and any response thereto it is ORDERED that the motion to Consolidate Cases is denied. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Schmitt	Paul E. Cherry
06/16/2005	Opinion, filed. Cert. to Atty's Kruk, Sundberg, Hopkins and Schimtt.	Paul E. Cherry
06/22/2005	Appeal mailed to Superior Court with two transcripts June 22, 2005.	Paul E. Cherry

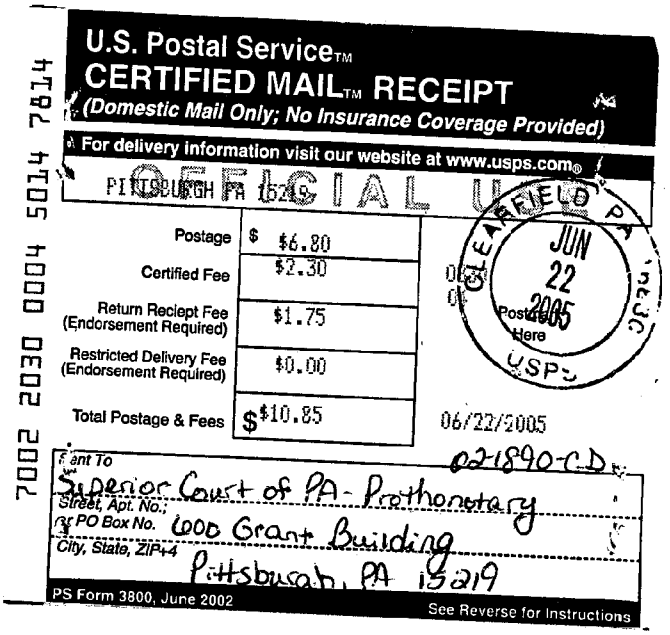
FILED

JUN 22 2005

0/2:45/

William A. Shaw
Prothonotary

2002-1890-CD



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William A. Shaw
Prothonotary/Clerk of Courts
P.O. Box 549
Clearfield, PA 16830

02-1890-CD

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Superior Court of PA
Office of the Prothonotary
600 Grant Building
Pittsburgh, PA 15219.

02-1890-CD

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02-1890-CD

FILED
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JUL 11 2005

William A. Shaw
Prothonotary/Clerk of Courts

02-1890-CD

In the Superior Court of Pennsylvania

Sitting at Pittsburgh

FILED
01:47 BL
MAY 19 2006
William A. Shaw
Prothonotary/Clerk of Courts

No. 2013 WDA 2004

Candace Eazor etc. : Appeal from the Order of October 22, 2004 by The Honorable Paul E. Cherry in the Court of

V : Common Pleas, Civil Division, Clearfield County at No. 48-2003-CD

Lynn A. Sharp :

:

Certified from the Record

May 8, 2006 – Petition to Withdraw Appearance filed by Gregory Kruk, Esquire

ORDER

AND NOW, to-wit, this 17th day of May, 2006, upon consideration of the petition for withdrawal of appearance filed May 8, 2006, in the above-captioned matter, the same is hereby GRANTED.

PER CURIAM

In Testimony Whereof, I have hereunto set my hand and the seal of said Court at Pittsburgh.

Pa. this 17TH Day of May 2006

Eleanor R Valecko
Deputy Prothonotary

SUPERIOR COURT OF PENNSYLVANIA

Candace Eazor etc.

DOCKET NO. 2013 WDA 2004

V

TRIAL COURT NO. 48-2003-CD

Lynn A. Sharp

May 8, 2006 ___ Received from the Superior Court of Pennsylvania, sitting at Pittsburgh, in the above entitled CERTIFIED COPY OF THE ORDER

Receipt Acknowledged: _____ Date: 5/19/06

2002-1890-CD

The Superior Court of Pennsylvania

Sitting at Pittsburgh

1015 Grant Building
Pittsburgh, Pennsylvania
15219

CERTIFICATE OF CONTENTS OF REMANDED RECORD
AND NOTICE OF REMAND
under
PENNSYLVANIA RULES OF APPELLATE PROCEDURE 2571 AND 2572

THE UNDERSIGNED, Prothonotary (or Deputy Prothonotary) of the Superior Court of Pennsylvania, the said court of record, does hereby certify that annexed to the original hereof, is a true and correct copy of the entire record:
Original record in two parts, two transcripts; Superior Court Memorandum Opinion

As remanded from said court in the following matter:
Candace Eazor etc. v Lynn A. Sharp
No. 2013 WDA 2004
Court of Common Pleas, Civil Division, Clearfield County
At No. 48-CD-2003

FILED
AUG 02 2006
m/11:30/cw
William A. Shaw
Prothonotary/Clerk of Courts
copy to Sup. Ct.
GK

In compliance with Pennsylvania Rules of Appellate Procedure 2571.

The date of which the record is remanded is: August 1, 2006

An additional copy of this certificate is enclosed with the original hereof and the clerk or prothonotary of the lower court or the head, chairman, deputy, or the secretary of the other government unit is hereby directed to acknowledge receipt of the remanded record by executing such copy at the place indicated by forthwith returning the same to this court.

DEPUTY PROTHONOTARY

RECORD, ETC. RECEIVED:

DATE: Aug. 2, 2006

(Signature & Title)

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

J. A37039/05

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

CANDACE A. EAZOR, ADMINISTRATRIX OF THE ESTATE OF RICHARD A. EAZOR,	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellant	:	
v.	:	
LYNN A. SHARP,	:	
Appellee	:	No. 2013 WDA 2004

Appeal from the Judgment October 22, 2004,
In the Court of Common Pleas of Clearfield County,
Civil Division at No. 48-CD-2003.

FILED
AUG 02 2006
William A. Shaw
Prothonotary/Clerk of Courts

BEFORE: FORD ELLIOTT, TODD and POPOVICH, JJ.

MEMORANDUM: FILED: June 22, 2006

Candace A. Eazor (Eazor), Administrator of the Estate of Richard A. Eazor, appeals the judgment entered in favor of Lynn A. Sharp (Sharp) on October 22, 2004, at No. 48-CD-2003, in the Court of Common Pleas of Clearfield County. On review, we reverse.

The relevant facts and procedural history of this case are as follows: During the early morning hours of October 6, 2002, Sharp and Richard A. Eazor were in Sharp's vehicle, traveling north on State Highway 949 in Heath Township, Jefferson County, Pennsylvania. For reasons unknown, the vehicle left the roadway, colliding with a tree. Sharp suffered severe head trauma as a result of the accident. Eazor suffered serious chest trauma as a

result of the accident. When approached by William Cox and Rebecca Barraclough, two passing motorists, Eazor was stumbling around the scene of the accident, and Sharp was lying in the passenger seat of the vehicle with her feet outside the door. Cox and Barraclough transported Eazor and Sharp to the home of Barraclough's mother, where Eazor's heart stopped. The driver of the vehicle was not identified conclusively following the accident. After being transported to a local hospital, Eazor was pronounced dead.

On December 6, 2002, Sharp filed a complaint sounding in negligence against the estate of Eazor (the deceased) alleging that the deceased was the driver of the vehicle and that his negligence caused her injuries. Sharp's lawsuit was docketed in Clearfield County at civil docket number 02-1890-CD (Sharp's lawsuit). In response, Eazor, wife of the deceased and administratrix of his estate, filed a wrongful death suit against Sharp in Jefferson County on January 20, 2003, that alleged that Sharp was the driver of the vehicle and that her failure to operate the vehicle properly caused the deceased's death. Eazor's lawsuit was docketed in Jefferson County at civil docket number 48-CD-2003 (Eazor's lawsuit).

Both lawsuits proceeded through pre-trial pleadings, and, on February 17, 2004, Sharp filed a petition pursuant to Pa.R.Civ.P. 213.1 to coordinate the lawsuits in Clearfield County. Initially, Eazor opposed Sharp's petition to coordinate, but, on May 27, 2004, the parties entered into a

consent order that coordinated the lawsuits in Clearfield County. On June 23, 2004, after the close of pleadings in both actions, Sharp filed a motion for partial summary judgment in her lawsuit that sought entry of judgment on the issue of who was driving the motor vehicle when it collided with the tree. Thereafter, on June 30, 2004, Sharp filed a motion for summary judgment in Eazor's lawsuit that sought judgment in her favor as defendant in that case. Eazor filed a response to these motions on July 15, 2004.

On October 22, 2004, following oral argument, the trial court denied Sharp's motion for partial summary judgment in her lawsuit. However, the trial court granted Sharp's motion for summary judgment in Eazor's lawsuit. The trial court's order included a legal analysis of the issues in question, but it did not author an opinion in support of its order. Eazor filed a motion for reconsideration on October 29, 2004, which the trial court denied. Thereafter, on November 18, 2004, Eazor filed a notice of appeal to this Court from the trial court's judgment.

Although perfected, the appeal did not move forward because Eazor failed to request preparation of the transcripts and to provide a deposit to the trial court. Therefore, on March 9, 2005, this Court dismissed Eazor's appeal without prejudice to reinstate the appeal. Thereafter, on March 15, 2005, Eazor filed an application to reinstate the appeal, which this Court granted on March 21, 2005. The trial court, in turn, ordered Eazor to file a

concise statement of matters complained of on appeal, and, after obtaining the transcripts, she complied. The trial court then authored an opinion that addressed the issues presented in Eazor's concise statement.

Eazor presents the following issues for our review:

> 1. Did the [trial court] commit an error of law by granting summary judgment on the issue of negligence when the same had not been specifically requested as a part of the written motion for summary judgment?
>
> 2. Was the [trial court's] decision improper procedurally when discovery had not yet been completed, the case had not been certified for trial, and the case had not been placed on the trial list?
>
> 3. Did the [trial court] commit an error of law by granting summary judgment to [Sharp] on the issue of negligence?

Eazor's brief, at 6.[1]

Before we address the merits of Eazor's contentions, we must consider whether the judgment entered on October 22, 2004, constitutes a final, appealable order. ***See In re Estate of Israel***, 645 A.2d 1333, 1335-36 (Pa. Super. 1994) (finality of order implicates jurisdiction of Superior Court and must be considered *sua sponte* if not raised by parties). It is a fundamental principle of law that an appeal lies only from a final order unless otherwise permitted by rule or statute. ***Id.***, 645 A.2d at 1335. A "final order" is one that ends the litigation or disposes of the entire case. ***Id.***, 645 A.2d at 1336.

---

[1] We have renumbered Eazor's issues.

We are presented with a novel question in this case, *i.e.*, whether the entry of summary judgment as to one case coordinated with another case pursuant to Pa.R.Civ.P. 213.1 constitutes a final appealable order. Pennsylvania Rule of Civil Procedure 213.1 states the following:

> (a) In actions pending in different counties which involve a common question of law or fact or which arise from the same transaction or occurrence, any party, with notice to all other parties, may file a motion requesting the court in which a complaint was first filed to order coordination of the actions. Any party may file an answer to the motion and the court may hold a hearing.
>
> (b) The court in which the complaint was first filed may stay the proceedings in any action which is the subject of the motion.
>
> (c) In determining whether to order coordination and which location is appropriate for the coordinated proceedings, the court shall consider, among other matters:
>
> (1) whether the common question of fact or law is predominating and significant to the litigation;
>
> (2) the convenience of the parties, witnesses and counsel;
>
> (3) whether coordination will result in unreasonable delay or expense to a party or otherwise prejudice a party in an action which would be subject to coordination;
>
> (4) the efficient utilization of judicial facilities and personnel and the just and efficient conduct of the actions;
>
> (5) the disadvantages of duplicative and inconsistent rulings, orders or judgments;
>
> (6) the likelihood of settlement of the actions without further litigation should coordination be denied.

(d) If the court orders that actions shall be coordinated, it may

(1) stay any or all of the proceedings in any action subject to the order, or

(2) transfer any or all further proceedings in the actions to the court or courts in which any of the actions is pending, or

(3) make any other appropriate order.

(e) In the order of coordination, the court shall include the manner of giving notice of the order to all parties in all actions subject thereto and direct that specified parties pay the costs, if any, of coordination. The court shall also order that a certified copy of the order of coordination be sent to the courts in which the actions subject to the order are pending, whereupon those courts shall take such action as may be appropriate to carry out the coordination order.

(f) The final order disposing of a coordinated action or proceeding shall be certified and sent to the court in which the action was originally commenced to be filed of record.

We explained the purpose of Rule 213.1 in ***Wohlsen/Crow v. Pettinato Associated Contractors & Eng'rs***, 666 A.2d 701 (Pa. Super. 1995), as follows:

> An order to coordinate actions under Rule 213.1 does not automatically [a]ffect the same result as an order to consolidate actions under Rule 213. Rather, an order to coordinate decides that the coordinated actions involve a common question of law or fact or arise from the same transaction or occurrence, and brings those actions together into a single venue thus making them ripe for possible consolidation under Rule 213. Consolidation is at the court's discretion, on its own motion or that of any party.

Wohlsen/Crow, 666 A.2d at 704 (citation omitted).

Reference to our caselaw regarding consolidation of actions indicates that two consolidated actions do not lose their independent character merely because they are adjudicated in a single trial. ***See Keefer v. Keefer***, 741 A.2d 808, 810 (Pa. Super. 1999) (explaining three types of "consolidation" under Pa.R.Civ.P. 213(a): (1) a joint hearing or trial of any matter in issue in the actions; (2) entry of an order "consolidating" actions; and (3) entering orders on matters that avoid unnecessary cost or delay). Therefore, it follows that if the purpose of the coordination of two or more cases pursuant to Pa.R.Civ.P. 213.1 is merely to bring those actions together into a single venue to make them ripe for consolidation, then those actions would not lose their independent character until they are consolidated in such a manner that would cause them to lose their independent character, which event has not occurred in this case. ***Cf. Keefer***, 741 A.2d at 810 (two actions merge into single, indivisible action when they are consolidated pursuant to second method provided in Pa.R.Civ.P. 213(a)). Accordingly, we conclude that the judgment entered on October 22, 2004, in Eazor's lawsuit, is final and appealable, in spite of the fact that a final order has not yet been entered by the trial court in Sharp's lawsuit. Consequently, we will proceed to a review of the merits of Eazor's issues.

Eazor's issues challenge the trial court's entry of summary judgment in favor of Sharp. Our review of these issues is governed by the following standard:

> Our scope of review of a trial court's grant of summary judgment is plenary. Summary judgment is proper where the pleadings, depositions, answers to interrogatories, admissions and affidavits and other materials demonstrate that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. We apply the same standard of review as the trial court in that we view the record in the light most favorable to the party opposing the motion and resolve all doubts as to the existence of a genuine issue of material fact in favor of the nonmoving party. [....] We will reverse the trial court's grant of summary judgment only upon an abuse of discretion or error of law.

Flannery v. Stump, 786 A.2d 255, 257 (Pa. Super. 2001) (citations omitted).

Eazor asserts first that the trial court erred by granting summary judgment in Sharp's favor on the issue of negligence when summary judgment on that issue had not been requested specifically as a part of Sharp's written motion for summary judgment. This argument is waived. Sharp presented her negligence argument at the summary judgment hearing, and Eazor was permitted an opportunity to respond on the merits of the argument. Eazor did not argue the negligence issue specifically but, instead, presented arguments to the trial court regarding the identity of the driver of the vehicle. However, Eazor did not object to the presentation of the negligence argument by Sharp. A party's failure to object to matters of form and procedure with regard to the presentation of issues in a summary judgment proceeding renders a subsequent challenge to these matters waived. ***See, e.g., Payton v. Pennsylvania Sling Co.***, 710 A.2d 1221, 1224 (Pa. Super. 1998). Accordingly, we dismiss Eazor's issue.

We address Eazor's remaining claims jointly. First, Eazor asserts that the trial court abused its discretion by entertaining Sharp's motion for summary judgment because discovery was not complete. Motions for summary judgment are governed by Pa.R.Civ.P. 1035.2, which states the following:

> After the relevant pleadings are closed, but within such time as not to unreasonably delay trial, any party may move for summary judgment in whole or in part as a matter of law
>
> (1) whenever there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report, or
>
> (2) if, after the completion of discovery relevant to the motion, including the production of expert reports, an adverse party who will bear the burden of proof at trial has failed to produce evidence of facts essential to the cause of action or defense which in a jury trial would require the issues to be submitted to a jury.

The rule is written in the disjunctive, and, therefore, a trial court needs to conclude only that summary judgment was proper on either basis. ***Cf. In re Estate of Roos***, 451 A.2d 255, 259 n.2 (Pa. Super. 1982) (applying normal rules of statutory construction, presence of disjunctive word "or" in statute indicates that elements of statute are met when any particular element is satisfied, regardless of whether other elements are also met). In the present case, the trial court entered summary judgment on the basis of Pa.R.Civ.P. 1035.2(2).

We consider first whether discovery relative to the motion was concluded when Sharp filed the motion. By the trial court's own concession, discovery was ***not*** concluded when Sharp filed the motion. The law of this Commonwealth requires that parties are to be given a reasonable period of time to pursue proper discovery, and, if a summary judgment motion is filed before discovery has ended, the party seeking discovery (and opposing the motion) must be granted a continuance if the party specifies proper discovery to be sought in a timely manner. ***See Kern v. Methodist Hosp.***, 574 A.2d 1068, 1074 (Pa. Super. 1990). However, summary judgment may be properly granted despite outstanding discovery requests where the information sought by the party seeking discovery would not have been germane to the issues presented by the party seeking summary judgment. ***See Burman v. Golay & Co.***, 616 A.2d 657, 659 (Pa. Super. 1992). Eazor, as plaintiff in her lawsuit, made a discovery request at the summary judgment hearing. Upon review of the record, we are constrained to conclude that the trial court erred by granting summary judgment in favor of Sharp in Eazor's lawsuit.

Eazor was represented by Gregory M. Kruk, Esquire, in her lawsuit, and she was represented by Eugene Sundberg, Esquire, as the defendant in Sharp's lawsuit. [2] The trial court conducted the summary judgment hearing

[2] The trial court confused the nature of Attorney Kruk's and Attorney Sundberg's representation of Eazor. The trial court concluded that Attorney Sundberg represented Eazor as ***plaintiff*** and that, therefore, his failure to

as two separate cases, and it heard arguments and responses from both sets of counsel independently. Regarding her lawsuit, Eazor, through Attorney Kruk, asserted that she needed more time for discovery on the issue of who was driving the automobile. ***See*** N.T. Hearing, 7/19/2004, at 23. Attorney Kruk indicated the following points: (1) that the pleadings for Eazor's lawsuit had just closed 3 months prior to the summary judgment hearing; (2) that, in order to determine who drove the vehicle, Appellant wanted to obtain a deposition of the doctor who conducted the autopsy on the deceased; and (3) that Appellant wanted to examine the vehicle with her expert. ***Id.***, at 22-23.

First, given that only three months had elapsed between the close of pleadings in Eazor's lawsuit and the summary judgment hearing, we are satisfied that Eazor's discovery request at the summary judgment hearing was timely. Indeed, by the trial court's own concession, discovery was not complete. ***See*** Trial court opinion, 6/16/2005, at 5. Inasmuch as discovery was not complete, summary judgment could have been granted by the trial court only if it could have been shown by Sharp that the discovery requested by Eazor was not germane to the issue presented by Sharp in her motion for summary judgment. ***See Burman***, 616 A.2d at 659. Clearly, the

---

request discovery resulted in Appellant's waiver of the discovery issue. ***See*** Trial court opinion, 6/16/2005, at 5. In point of fact, Attorney Kruk represented Eazor as plaintiff in her lawsuit, and he presented the discovery issue to the trial court at the summary judgment hearing. ***See*** N.T. Hearing, 7/19/2004, at 23.

information identified by Eazor in her timely request was germane to the central issue of Sharp's motion for summary judgment, *i.e.*, the identity of the driver of the vehicle. Therefore, because Eazor's request was timely and because her request identified information that was germane to the issues presented in Sharp's motions for summary judgment, the proper course was for the trial court to grant a continuance to Eazor in order to allow her more time for discovery. ***See Kern***, 574 A.2d at 1074; ***see also Burman***, 616 A.2d at 659. Consequently, we are constrained to conclude that the trial court entered summary judgment in favor of Sharp in Eazor's lawsuit prematurely, and we must reverse.[3]

Judgment reversed. Jurisdiction relinquished.

Judgment Entered:

Eleanor R. Valecko

Deputy Prothonotary

DATE: June 22, 2006

[3] Inasmuch as we have concluded that summary judgment was granted prematurely by the trial court in this case, we need not address Eazor's final issue.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

PRAECIPE TO SUBSTITUTE APPEARANCE

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

FILED
AUG 03 2006
12:30 pm
William A. Shaw
Prothonotary/Clerk of Courts

Filed on Behalf of the Executrix:
Candace A. Eazor

Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT ST.
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	**PRAECIPE TO SUBSTITUTE APPEARANCE**
CANDACE A. EAZOR, EXECUTRIX,	
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

PRAECIPE TO SUBSTITUTE APPEARANCE

To the Prothonotary:

KINDLY substitute the appearance of William Weiler, Esquire, and the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. for the Estate of Richard A. Eazor, deceased.

Respectfully submitted,

William Weiler, Jr., Esquire

P0781718.1

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served on the 18th day of August, 2006 upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
900 Beaver Dr.
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Respectfully submitted,

William Weiler, Jr., Esquire

P0781718.1

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FILED No cc
m/ 10:30 BL
NOV 01 2006 (GR)
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,
Defendant

No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,

Plaintiff,

vs.

LYNN A. SHARP,

Defendant

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PA
CIVIL DIVISION

No. 48 C.D. 2003

ISSUE:
Motion for Protective Order

Filed on behalf of Defendant

Counsel of Record for Defendant:
McIntyre, Hartye, & Schmitt
Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581 Phone
(814) 696-9399 Fax

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 31st DAY OF OCTOBER, 2006.

Attorney for Defendant

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of the foregoing Motion for Protective Order, it is hereby ordered that:

(1) Oral argument upon the Motion for Protective Order will be held on _____, 2006, at _____ a.m./p.m. in Courtroom No. _____ of the Clearfield County Courthouse in Clearfield, Pennsylvania.

(2) Notice of the entry of this Order shall be served by the defendant, Lynn A. Sharp.

BY THE COURT:

_____

LYNN A. SHARP,	: IN THE COURT OF COMMON PLEAS OF : CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:
vs.	: No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:
Defendant	:

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	: IN THE COURT OF COMMON PLEAS OF : JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:
vs.	: Case No.: 48 C.D. 2003
LYNN A. SHARP,	:
Defendant.	: JURY TRIAL DEMANDED

ORDER

AND NOW, this 6th day of November, 2006, upon consideration of the Motion for Protective Order filed on behalf of defendant Lynn A. Sharp, and any response thereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That defendant Lynn A. Sharp's Motion for Protective Order is GRANTED; and

2. That the deposition of John C. Lyons, M.D., scheduled to take place on November 15, 2006 shall be limited to purposes of discovery, only.

BY THE COURT:

FILED
0/10:04/BS
NOV 20 2006
William A. Shaw
Prothonotary/Clerk of Courts

1CC Atty Schmitt
@

Paul E Cherry

DATE: 11/20/06

X You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

NOV 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA : No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA : Case No.: 48 C.D. 2003 : JURY TRIAL DEMANDED

MOTION FOR PROTECTIVE ORDER

AND NOW, comes defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, HARTYE & SCHMITT, and pursuant to Pa. R.C.P. 4012(a)(5) respectfully requests that this Honorable Court limit the scope of the upcoming deposition of John C. Lyons, M.D., saying as follows:

1. These consolidated matters arise out of a motor vehicle accident that occurred on October 6, 2002, which resulted in the death of decedent Richard Eazor.

2. Counsel for plaintiff Estate of Richard Eazor has scheduled the videotape deposition of John C. Lyons, M.D., to take place in Erie, Pennsylvania, on Wednesday, November 15, 2006, at 1:00 p.m. Plaintiff's Amended Notice of Videotape Deposition of John C. Lyons, M.D. indicates that the deposition will be taken "for the purposes of

Discovery and use at trial,..." (See copy of Amended Notice of Videotape Deposition of John C. Lyons, M.D., attached hereto as Exhibit "A.")

3. Dr. Lyons is one of the Estate of Richard A. Eazor's expert witnesses in this case. (See Supplemental Answers to Expert Interrogatories Nos. 1 and 2 directed to Candace A. Eazor, attached hereto as Exhibit "B.")

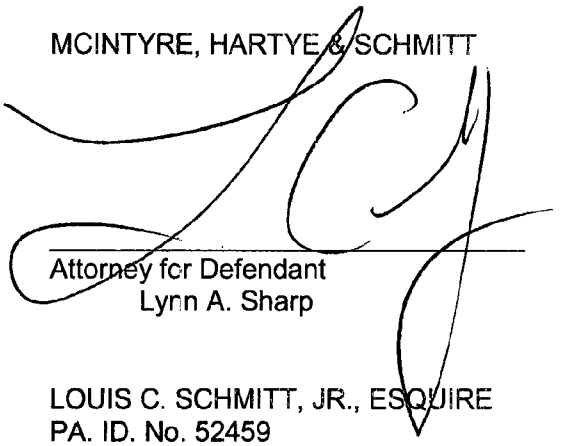
4. Discovery in these consolidated matters has not yet been completed. Discovery depositions of vital medical witnesses, including, but not limited to, the DuBois Regional Medical Center emergency room physician who attended to the decedent subsequent to the accident, and the medical pathologist who conducted the decedent's autopsy, have not yet been recorded.

5. These consolidated matters have not been certified as ready for trial, are not ready for trial, and are not on any trial list.

6. It will be manifestly prejudicial if counsel for defendant Lynn A. Sharp is forced to proceed to a trial deposition of an outside physician expert without having the opportunity to complete discovery in this matter, including the aforementioned depositions of vital medical witnesses. It is improper and premature at this time to proceed forward with videotape trial testimony in these consolidated matters.

WHEREFORE, defendant, LYNN A. SHARP, respectfully requests that this Honorable Court limit the upcoming videotape deposition of John C. Lyons, M.D., to discovery purposes only.

MCINTYRE, HARTYE & SCHMITT



Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. ID. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF JOHN C. LYONS, M.D.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF JOHN C. LYONS, M.D.

Filed on Behalf of the Executrix:
Candace A. Eazor

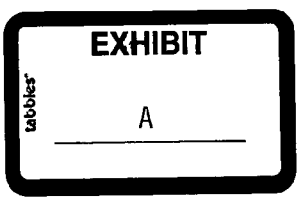
Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT STREET
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600
E-Mail: wweiler@mdbbe.com

P0789528.1



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	**AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF JOHN C. LYONS, M.D.**
CANDACE A. EAZOR, EXECUTRIX,	
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD
v.	**AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF JOHN C. LYONS, M.D.**
LYNN A. SHARP,	
Defendant.	

AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF JOHN C. LYONS, M.D.

KINDLY TAKE NOTICE that the videotaped Deposition upon oral examination of John C. Lyons, MD, will be taken by William Weiler, Jr., Esquire, at the office of John C. Lyons, MD, Hamot Professional Building, Third Floor, 104 E. Second Street, Erie, PA 16507, on Wednesday, November 15, 2006, at 1:00 p.m., at which time you are invited to attend and participate.

Said Deposition will be taken for the purpose of Discovery and use at trial, pursuant to the Pennsylvania Rules of Civil Procedure.

Respectfully submitted,

William Weiler, Jr., Esquire

P0789528.1

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Amended Notice of Videotape Deposition of John C. Lyons, M.D. was served on the 25th day of September, 2006, to the following, by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

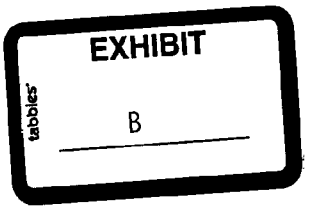
John C. Lyons, MD
Hamot Professional Building
Third Floor
104 E. Second Street
Erie, PA 16507

Respectfully submitted,

William Weiler, Jr., Esquire

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CASE NO. 02-1890-CD
	:	CIVIL DIVISION
v.	:	
	:	TYPE OF PLEADING:
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	**SUPPLEMENTAL ANSWERS TO EXPERT INTERROGATORIES**
	:	FILED ON BEHALF OF: Defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased
	:	COUNSEL OF RECORD FOR THIS PARTY:
	:	Eugene C. Sundberg, Jr., Esq.
	:	Marsh Spaeder Baur Spaeder & Schaaf, LLP
	:	Suite 300, 300 State Street
	:	Erie, Pennsylvania 16507
	:	(814) 456-5301



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 02-1890-CD

SUPPLEMENTAL ANSWERS TO EXPERT INTERROGATORIES DIRECTED TO CANDACE A. EAZOR

AND NOW, comes the defendant, CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, deceased, by and through her attorneys, **Marsh Spaeder Baur Spaeder & Schaaf, LLP**, and serves these Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor.

INTERROGATORIES

1. (a) Did you or other person known to you, at any time, employ, consult with, speak to, or receive any information from any expert, or any other person who may qualify as an expert in the trial of the above captioned litigation with respect to any of the allegations of the Sharp Complaint, Eazor Complaint and the Answers and New Matter filed?

ANSWER: Yes.

(b) If the response to 1(a) is in the affirmative, list the name, addresses and phone numbers of each person from whom such information was received.

ANSWER: John C. Lyons, M.D., FACS, MSME

Analytic and Biomedical Engineering
2152 South Shore Drive
Erie, PA 16505
(814) 455-2170

James L. Kenkel, Ph.D.
807 Academy Place
Pittsburgh, PA 15243
(412) 563-4128

(c) Identify each and every person you expect to call as an expert witness during the trial of this action.

ANSWER: John C. Lyons, M.D., FACS, MSME.

James L. Kenkel, Ph.D.

For each person named in the Answer to Interrogatory No. 1(c), please complete the following:

2. Please state:

(a) His/her name or other means of identification, address and telephone number;

ANSWER: John C. Lyons, M.D., FACS, MSME

Analytic and Biomedical Engineering
2152 South Shore Drive
Erie, PA 16505
(814) 455-2170

James L. Kenkel, Ph.D.
807 Academy Place
Pittsburgh, PA 15243
(412) 563-4128

(b) His/her profession or occupation, and the field in which he/she allegedly is an expert.

ANSWER: The curriculum vitae for both John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D are attached hereto.

(c) The qualification which you believe make him/her an expert in the field in which they expect to testify.

ANSWER: The curriculum vitae for both John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D. are attached hereto.

3. Please state:

(a) The subject matter on which he/she is expected to testify;

ANSWER: See attached reports of John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D.

(b) The substance of each and every fact to which he/she is expected to testify;

ANSWER: See attached reports of John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D.

(c) The substance of each and every opinion to which he/she is expected to testify and a summary of the grounds for each opinion.

ANSWER: See attached reports of John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D.

4. Attach all reports or other correspondence received from such expert to these Interrogatories.

ANSWER: See attached reports of John C. Lyons, M.D., FACS, MSME and James L. Kenkel, Ph.D.

UA

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY
WILLIAM SHAW

DATE PRESENTED: November 29, 2006

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
2002-1890-CD		
Date Complaint Filed: 12/06/02	(X) Jury ( ) Non-Jury ( ) Arbitration	5 DAYS days/hours

PLAINTIFF(S)
LYNN A. SHARP;

COUNTERCLAIM PLAINTIFF
CANDACE A. EAZOR

Check block if a Minor
Is a Party to the Case

DEFENDANT(S)
CANDACE A. EAZOR;

FILED NO CC
m/10:54/BK
DEC 01 2006
GR

William A. Shaw
Prothonotary/Clerk of Courts

COUNTERCLAIM DEFENDANT
LYNN A. SHARP

PLAINTIFF, LYNN A. SHARP — 12/06/02
JURY DEMAND FILED BY: — DATE JURY DEMAND FILED:

AMOUNT AT ISSUE	CONSOLIDATION	DATE CONSOLIDATION ORDERED
More than & $525,000.00	( ) yes (X) no	

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

WILLIAM WEILER, JR., ESQUIRE	(412) 261-6600
FOR THE PLAINTIFF	TELEPHONE NUMBER
EUGENE SUNDBERG, ESQUIRE	(814) 456-5301
FOR THE PLAINTIFF	TELEPHONE NUMBER
DAVID HOPKINS, ESQUIRE	(814) 375-0300
FOR THE DEFENDANT	TELEPHONE NUMBER
LOUIS C. SCHMITT, ESQUIRE	(814) 696-3581
FOR THE DEFENDANT	TELEPHONE NUMBER

P0795168.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PA CIVIL DIVISION No. 48 C.D. 2003
vs.	:	
LYNN A. SHARP, Defendant	:	ISSUE: Motion to Strike Case From Trial List
	:	Filed on behalf of Defendant
	:	Counsel of Record for Defendant: McIntyre, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	:	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 1st DAY OF December, 2006.

Attorney for Defendant

FILED NO CC
m/10:37/bl
DEC 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA : : : No. 02-1890-CD : : : :

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA : : : Case No.: 48 C.D. 2003 : : : JURY TRIAL DEMANDED

ORDER

AND NOW, this 4th day of December, 2006, upon consideration of the Motion to Strike filed on behalf of defendant Lynn A. Sharp, and any response thereto, it is hereby ORDERED, ADJUDGED, and DECREED that the Certificate of Readiness is stricken, and this case is removed from the trial list.

BY THE COURT:

Paul E. Cherry

FILED 4CC
01:02:23 Atty Schmitt
DEC 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 12/5/06

X You are responsible for serving all appropriate parties.

_____ The Prothonotary's office has provided service to the following parties:

_____ Plaintiff(s) _____ Plaintiff(s) Attorney _____ Other

_____ Defendant(s) _____ Defendant(s) Attorney

_____ Special Instructions:

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA : No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA : Case No.: 48 C.D. 2003 : JURY TRIAL DEMANDED

MOTION TO STRIKE CASE FROM TRIAL LIST

AND NOW, comes defendant, LYNN A. SHARP, by and through her attorneys, MCINTYRE, HARTYE & SCHMITT, and respectfully requests that this Honorable Court strike this matter from the trial list, saying as follows:

1. These consolidated matters arise out of a motor vehicle accident that occurred on October 6, 2002, which resulted in the death of decedent Richard Eazor.

2. On December 1, 2006, counsel for defendant Lynn A. Sharp received a Certificate of Readiness filed on behalf of plaintiff Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor.

3. Discovery in these consolidated matters has not yet been completed. Discovery depositions of vital medical witnesses, including, but not limited to, the DuBois Regional Medical Center emergency room physician who attended to the decedent subsequent to the accident, and the medical pathologist who conducted the decedent's autopsy, have not yet been recorded.

4. This Honorable Court on November 6, 2006, granted defendant Lynn A. Sharp's previous Motion for Protective Order, ruling that counsel for the plaintiff could not proceed forward with a trial deposition, due to the fact that discovery was not completed in these consolidated matters. (See copy of September 6, 2006 Order of Court, attached hereto as Exhibit "A".) This Honorable Court has already recognized the fact that these consolidated matters cannot proceed forward even to a trial deposition in this case, let alone trial itself.

5. It will be manifestly prejudicial if counsel for defendant Lynn A. Sharp is forced to proceed to trial without having the opportunity to complete discovery in this matter, including the aforementioned depositions of vital medical witnesses. It is improper and premature at this time to proceed forward with listing this matter for trial.

6. This matter has not previously been listed for trial.

7. Counsel for defendant Lynn A. Sharp certifies pursuant to Local Rule 208.2(d) that he has sought concurrence in writing of other counsel, and that other counsel have not yet concurred in the within Motion.

WHEREFORE, defendant, LYNN A. SHARP, respectfully requests that this Honorable Court strike the Certificate of Readiness and remove this matter from the trial list.

Respectfully submitted,

MCINTYRE, HARTYE & SCHMITT

Attorney for Defendant
Lynn A. Sharp

LOUIS C. SCHMITT, JR., ESQUIRE
PA. ID. No. 52459
P.O. Box 533
Hollidaysburg, PA 16648
814/696-3581

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

ORDER

AND NOW, this 6th day of November, 2006, upon consideration of the Motion for Protective Order filed on behalf of defendant Lynn A. Sharp, and any response thereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That defendant Lynn A. Sharp's Motion for Protective Order is GRANTED; and

2. That the deposition of John C. Lyons, M.D., scheduled to take place on November 15, 2006 shall be limited to purposes of discovery, only.

BY THE COURT:

/s/ Paul E. Cherry

I hereby certify this to be a true and attested copy of the original statement filed in this case.

NOV 20 2006

Attest. William L. Ammerman
Prothonotary/
Clerk of Courts

EXHIBIT

tabbies

A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	
LYNN A. SHARP, Defendant	:	
	:	Type of Pleading: Answer to Motion to Strike and Consent to Strike Case from Trial List
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	THE HOPKINS LAW FIRM
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801 (814) 375-0300

FILED 1cc Atty Hopkins
01/8:50 BV
DEC 15 2006
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

ANSWER TO MOTION TO STRIKE AND CONSENT TO STRIKE CASE FROM TRIAL LIST

AND NOW, comes Plaintiff, Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel, LLP, and respectfully Answers the Motion to Strike and Consent to Strike Case from Trial List as follows:

1. Plaintiff, Lynn A. Sharp, admits to all allegations in the Motion to Strike and consents to the entry of an Order removing the case from the trial list.

Respectfully submitted,

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Plaintiff's Answer to Motion to Strike and Consent to Strike the Case from the Trial List, filed on behalf of Lynn A. Sharp, was forwarded by first class mail, postage prepaid, on the 14th day of December, 2006, to all counsel of record, addressed as follows:

William Weiler, Jr., Esquire
Meyer Darragh Buckler Bebenek & Eck P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219

Eugene C. Sundberg, Jr., Esquire
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	Type of Pleading: Notice of Intent to Serve Subpoena to Attend and Testify Pursuant to Pa.R.C.P. 4009.21
LYNN A. SHARP, Defendant	:	
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801 (814) 375-0300

FILED NO CC
03:15 BK
JAN 10 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

NOTICE OF INTENT TO SERVE A SUBPOENA TO ATTEND AND TESTIFY PURSUANT TO Pa.R.C.P. 4009.21

TO: Harold R. Cottle, M.D., F.A.S.C.P.
Laboratory Medicine and Forensic Pathology
25 Sylvan Drive
Hollidaysburg, PA 16648

Lynn A. Sharp intends to serve a Subpoena identical to the one that is attached to this Notice. You have twenty (20) days from the date listed below in which to file of record and

serve upon the undersigned an objection to the Subpoena. If no objection is made, the Subpoena may be served.

HOPKINS HELTZEL LLP

Dated: 1-9-2007

By: _____
David J. Hopkins, Esquire

COMMONWEALTH OF PENNSYLVANIA
CLEARFIELD COUNTY

Lynn A. Sharp
Plaintiff(s)
Vs.
Candace A. Eazor
Richard Eazor, Estate
Defendant(s)

No. 2002-01890-CD

SUBPOENA TO ATTEND AND TESTIFY

TO: Harold R. Cottle, M.D., F.C.A.P., F.A.S.C.P.
Laboratory Medicine and Forensic Pathology
25 Sylvan Drive, Hollidaysburg, PA 16648

1. You are ordered by the Court to come to 25 Sylvan Drive, Hollidaysburg
(Specify Courtroom or other place)
at Blair County, Pennsylvania, on March 5, 2007 at 9:00
o'clock, A M., to testify on behalf of Lynn Sharp
in the above case, and to remain until excused.

2. And bring with you the following: Autopsy file and records of Richard Eazor

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

ISSUED BY A PARTY/COUNSEL IN COMPLIANCE WITH PA.R.C.P. No. 234.2(a)

NAME: David J. Hopkins, Esquire
ADDRESS: 100 Meadow Lane, Suite 5
DuBois, PA 15801
TELEPHONE: (814) 375-0300
SUPREME COURT ID # 42519

BY THE COURT:

William A. Shaw
Prothonotary/Clerk, Civil Division

Deputy

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

DATE: Monday, January 08, 2007
Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with depositions and before arbitrators, masters, commissioners, etc. in compliance with PA.R.C.P. No. 234.1 . If a subpoena for production of documents, records or things is desired, complete Paragraph 2.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Notice of Intent to Serve Subpoena to Attend and Testify Pursuant to Pa.R.C.P. 4009.21, filed on behalf of Lynn A. Sharp, was forwarded by first class mail, postage prepaid, on the 9th day of January, 2007, to all counsel of record, addressed as follows:

William Weiler, Jr., Esquire
Meyer Darragh Buckler Bebenek & Eck P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219

Eugene C. Sundberg, Jr., Esquire
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

FILED NO CC
m/9:02 BA
FEB 26 2007 Copy
William A. Shaw to C/A
Prothonotary/Clerk of Courts
GK

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

PRAECIPE FOR APPEARANCE

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

Filed on Behalf of the Executrix:
Candace A. Eazor

Counsel of Record for This Party:

SCOTT A. MILLHOUSE, ESQUIRE
PA ID. #33228

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT ST.
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600
E-mail:smillhouse@mdbbe.com

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE NO. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX **CIVIL ACTION**

Plaintiff, CASE NO. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

PRAECIPE FOR APPEARANCE

To the Prothonotary:

KINDLY enter the appearance of Scott A. Millhouse, Esquire, of the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., as additional counsel for the Estate of Richard A. Eazor, deceased.

Respectfully submitted,

Scott A. Millhouse, Esquire

CERTIFICATE OF SERVICE

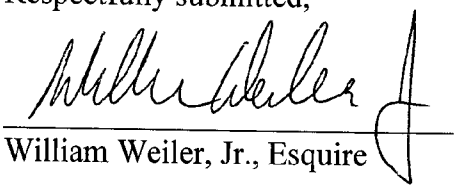
I hereby certify that a copy of the foregoing Praecipe was served on the 22nd day of February, 2007, upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Respectfully submitted,



William Weiler, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	Type of Pleading: Answer to Motion for Protective Order
LYNN A. SHARP, Defendant	:	
	:	Filed on behalf of: Lynn A. Sharp, Plaintiff.
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801 (814) 375-0300

FILED NO CC
m/12:36 BD
FEB 27 2007 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

ANSWER TO MOTION FOR PROTECTIVE ORDER

AND NOW, comes Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP and answers the Motion for Protective Order filed by Candace A. Eazor, Executrix of the Estate of Richard A. Eazor.

1. Denied. Harold A. Cottle, M.D. is the pathologist who performed an autopsy on the body of Richard Eazor shortly after his death in a motor vehicle collision. Dr. Cottle is elderly and Plaintiff's counsel has had a very difficult time scheduling the deposition of Dr. Cottle. On January 9, 2007, Plaintiff's counsel sent out a Notice of Intent to Serve a Subpoena to each of the parties' attorneys in this litigation. No one filed an objection to the Notice of Intent to Subpoena Dr. Cottle. On or about January 30, 2007, counsel for Lynn Sharp filed the Notice

of Deposition of Dr. Cottle for March 5, 2007. Consequently, counsel has had almost sixty (60) days advance notice of the deposition.

2. Neither admitted nor denied. Answering counsel for Lynn Sharp is unable to admit or deny the allegations as set forth in averment 2. By way of further answer, via a telephone conference with William Weiler, Jr. and counsel for Lynn Sharp, a short casual discussion of the outstanding subpoena was discussed and Mr. Weiler did not voice an objection to the subpoena or the date of the deposition.

3. Neither admitted nor denied. Lynn A. Sharp does not possess sufficient knowledge to admit or deny the allegations set forth in paragraph 3. By way of further answer, Scott A. Millhouse did not enter his appearance until this Motion was filed.

4. Neither admitted nor denied. The allegations set forth in paragraph 4 are outside the knowledge of Lynn A. Sharp and cannot be admitted or denied.

5. Admitted. Having depositions scheduled since January 9, 2007 and not receiving an objection until February 22, 2007 and recognizing all the work that went into scheduling the depositions and the need to subpoena Dr. Cottle, Lynn A. Sharp does not wish to reschedule the depositions.

6. Denied. Counsel for Lynn A. Sharp has been dealing with the law firm of Meyer, Darragh, Buckler & Eck, P.L.L.C. since 1989. In those eighteen (18) years, the vast majority of dealings have been in the field of automobile litigation. Meyer, Darragh, Buckler, Bebenek & Eck's website lists fifteen (15) lawyers who handle insurance defense and workers compensation and four (4) who list motor vehicle and criminal law as their practice. Interestingly, Scott Millhouse is listed as one of the fifteen (15) lawyers whose practice area is insurance defense and workers compensation. The point of all this is that Meyer, Darragh, Buckler & Eck, P.L.L.C. has

many attorneys who can handle a deposition. (See Exhibit "A")

7. Lynn A. Sharp is hard pressed to point to a significant prejudice if the depositions are delayed a short period of time. Counsel points out that Dr. Cottle is elderly and that is a significant concern. Also a significant amount of time went into scheduling these depositions which is believed to be at least two (2) hours. If the Court is willing to continue the depositions, then the Estate of Richard Eazor should pay Hopkins Heltzel LLP the time it has invested in scheduling the depositions, that being $400.00 (2 hours at $200.00 per hour which is our billing rate).

8. The "Wherefore" clause set forth in Candace A. Eazor's Motion for Protective Order does not seem to be related to the current Motion before the Court.

WHEREFORE, Lynn A. Sharp respectfully requests the Court deny the Motion for Protective Order.

HOPKINS HELTZEL LLP

By: _____
David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

MEYER • DARRAGH
BUCKLER • BEBENEK & ECK

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Firm Overview
Practice Areas
Our Attorneys
Something Special
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Our Practice Areas

APPELLATE PROCESS

Paul R. Robinson
Leah L. Roth
Mary Lou Maierhofer
William Weiler, Jr.

COMMERCIAL LITIGATION AND BUSINESS PRACTICE

Carl A. Eck
Eric N. Anderson
Mark A. Eck
Scott A. Millhouse
Daniel C. Lawson
Marie Milie Jones
Dean Passodelis
Leah L. Roth
William Weiler, Jr.
Harlan S. Stone

CONSTRUCTION LAW

Paul R. Robinson
Mark A. Eck
Jeffrey Cohen
Michael R. Lettrich

ESTATE ADMINISTRATION, WILLS, TRUSTS, POWERS OF ATTORNEY

Kathryn Eck Goff
William Weiler, Jr.

INSURANCE DEFENSE AND WORKERS' COMPENSATION

Gary M. Scoulos
Carl A. Eck
Eric N. Anderson
John M. Noble
Scott A. Millhouse
Daniel C. Lawson
Walter F. Wall
Mary Lou Maierhofer
Jeffrey Cohen
Leah L. Roth
Lee R. Demosky
Richard S. Canciello
Jason A. Rosenberger
Meghan E. Jones
Danielle T. Cortese

LABOR AND EMPLOYMENT LAW

Marie Milie Jones
Thomas P. Pellis
Bernard P. Matthews, Jr.
Gary M. Scoulos
Leah L. Roth

MOTOR VEHICLE AND CRIMINAL LAW

Joseph E. Vogrin, III
Kim Wm. Riester
William Weiler, Jr.
Meghan E. Jones

MUNICIPAL LAW AND CIVIL RIGHTS

Eric N. Anderson
Marie Milie Jones
Thomas P. Pellis
Bernard P. Matthews, Jr.
Joseph E. Vogrin, III
Jeffrey Cohen
Lee R. Demosky
Richard Canciello
Harlan S. Stone

OUTDOOR PURSUITS

Daniel C. Lawson
Thomas P. Pellis
Gary M. Scoulos
Meghan E. Jones

PRODUCTS LIABILITY AND AVIATION LAW

Paul R. Robinson
Rachelle M. Wassel
Carl A. Eck
Eric N. Anderson
Thomas P. Pellis
Mary Lou Maierhofer
Dean Passodelis
Walter F. Wall
Richard S. Canciello
Danielle T. Cortese

PROFESSIONAL LIABILITY

Dean Passodelis
Carl A. Eck
Thomas P. Pellis
Walter F. Wall
Mary Lou Maierhofer
Leah L. Roth
Richard S. Canciello
Meghan E. Jones
Harlan S. Stone
Danielle T. Cortese

TOXIC TORT

Mark A. Eck

Richard S. Canciello
Michael R. Lettrich

MEDIATION AND ARBITRATION

John M. Noble
Mark A. Eck
Harlan S. Stone

Jeffrey Cohen

TRANSPORTATION LAW

Paul R. Robinson
Mark A. Eck
Eric N. Anderson
Jeffrey Cohen
Jason A. Rosenberger



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA

(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of Answer to Motion for Protective Order, filed on behalf of Lynn A. Sharp, was forwarded by first class mail, postage prepaid, on the 26th day of February, 2007, to all counsel of record, addressed as follows:

William Weiler, Jr., Esquire
Meyer Darragh Buckler Bebenek & Eck P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219

Scott A. Millhouse, Esquire
Meyer Darragh Buckler Bebenek & Eck P.L.L.C.
U.S. Steel Tower, Suite 4850
600 Grant Street
Pittsburgh, PA 15219

Eugene C. Sundberg, Jr., Esquire
Suite 300, 300 State Street
Erie, PA 16507

Louis C. Schmitt, Jr., Esquire
P.O. Box 533
Hollidaysburg, PA 16648

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

VA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

MOTION FOR PROTECTIVE ORDER

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

Filed on Behalf of the Executrix:
Candace A. Eazor

Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT ST.
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600
E-mail: wweiler@mdbbe.com

FILED

FEB 28 2007
0/4:00/C GK
William A. Shaw
Prothonotary/Clerk of Courts
1 CERT TO ATTY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE NO. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX, **CIVIL ACTION**

Plaintiff, CASE NO. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

MOTION FOR PROTECTIVE ORDER

AND NOW, comes Candace A. Eazor, Executrix of the Estate of Richard A. Eazor, deceased, by her attorneys, Scott A. Millhouse, Esquire, William Weiler, Esquire, and the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. and files the following Motion for a Protective Order in the above-captioned case.

IN SUPPORT THEREOF, the Executrix avers as follows:

1. On January 29, 2007, Counsel for Lynn A. Sharp, David J. Hopkins, noticed the Deposition of Harold A. Cottle, MD for March 5, 2007.

2. William Weiler, Jr., Esquire, was unable to represent the Executrix at the Deposition, as he had a previously scheduled trial in Allegheny County on that date.

3. To that end, Scott A. Millhouse, Esquire was to represent the Executrix at the Deposition.

4. Due to a scheduling error, Scott A. Millhouse, Esquire was not aware, until February 21, 2007, that he had an oral argument scheduled before the Supreme Court of Pennsylvania on the *Baumhammers* case previously scheduled for March 5, 2007 in Pittsburgh, such that he would be unable to attend the deposition of Dr. Cottle as well.

5. On February 22, 2007, Paralegal Cherlynn Morgan contacted Attorney Hopkins' office, to seek a rescheduling of the deposition to a date either Mr. Millhouse or Mr. Weiler was available, and was refused in this request.

6. There is no other attorney at Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. who is experienced in accident litigation, who can effectively represent the Executrix at the Deposition of Dr. Cottle.

7. Ms. Sharp will not be prejudiced by a rescheduling of the Deposition in any manner, as the within action is not on the trial list.

WHEREFORE, Candace A. Eazor, Executrix, respectfully requests this Honorable Court to enter an Order consolidating the above-captioned cases for all matter, and further directing the Complaint of the Estate to be deemed a Counterclaim to the Complaint filed by Sharp.

Respectfully submitted,

William Weiler, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was served on the 22nd day of February, 2007 upon the following by regular first class U.S. mail, postage prepaid:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Respectfully submitted,

William Weiler, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE No. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX, **CIVIL ACTION**

Plaintiff, CASE No. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

FILED
FEB 28 2007
William A. Shaw
Prothonotary/Clerk of Courts
1 CERT to Att
GK

ORDER OF COURT

AND NOW, this 28th day of February, 2007, upon Motion of Candace A. Eazor, Executrix, in the above-captioned case, it is hereby **ORDERED, ADJUDGED** and **DECREED**, that said Motion is **GRANTED**. A Protective Order is hereby issued, and Attorney David J. Hopkins is hereby directed to reschedule the Deposition of Harold R. Cottle, MD, to a time and date mutually agreeable by all counsel of record.

BY THE COURT:

Paul E. Cherry J.

DATE: 2-28-07

X You are responsible for serving all appropriate parties.

___ The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

FILED

FEB 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

2002-1890-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL TRIAL LISTING

CERTIFICATE OF READINESS

TO THE PROTHONOTARY
WILLIAM SHAW

DATE PRESENTED: April 30, 2007

CASE NUMBER	TYPE TRIAL REQUESTED	ESTIMATED TRIAL TIME
2002-1890-CD		
Date Complaint Filed: 12/06/02	(X) Jury ( ) Non-Jury	
	( ) Arbitration	2 DAYS days/hours

PLAINTIFF(S)
LYNN A. SHARP;

COUNTERCLAIM PLAINTIFF
CANDACE A. EAZOR;

Check block if a Minor
Is a Party to the Case

FILED NO CC
m/10:50 AM
MAY 07 2007
William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT(S)
CANDACE A. EAZOR;

COUNTERCLAIM DEFENDANT
LYNN A. SHARP;

PLAINTIFF, LYNN A. SHARP — 12/06/02
JURY DEMAND FILED BY: — DATE JURY DEMAND FILED:

LYNN A. SHARP
AMOUNT AT ISSUE — CONSOLIDATION — DATE CONSOLIDATION ORDERED

More than $525,000.00 ( ) yes (X) no

PLEASE PLACE THE ABOVE CAPTIONED CASE ON THE TRIAL LIST.

I certify that all discovery in the case has been completed; all necessary parties and witnesses are available; serious settlement negotiations have been conducted; the case is ready in all respects for trial, and a copy of this Certificate has been served upon all counsel of record and upon all parties of record who are not represented by counsel:

WILLIAM WEILER, JR., ESQUIRE	(724/776-3795
FOR THE PLAINTIFF	TELEPHONE NUMBER
EUGENE SUNDBERG, ESQUIRE	(814) 456-5301
FOR THE PLAINTIFF	TELEPHONE NUMBER
DAVID HOPKINS, ESQUIRE	(814) 375-0300
FOR THE DEFENDANT	TELEPHONE NUMBER
LOUIS C. SCHMITT, ESQUIRE	(814) 696-3581
FOR THE DEFENDANT	TELEPHONE NUMBER

FILED 1cc
m/ 8:50 Atty
MAY 14 2007 Weiler
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

PRAECIPE FOR SUBSTITUTION OF PARTY

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

Filed on Behalf of the Administrator:
Richard J. Eazor

Counsel of Record for This Party:

WILLIAM WEILER, JR., ESQUIRE
PA I.D. #50497

20411 ROUTE 19 NORTH
SUITE 13
CRANBERRY TWP., PA 16066
724/776-3795
E-mail: wweilerlaw@zoominternet.net

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE NO. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX, **CIVIL ACTION**

Plaintiff, CASE NO. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

****

PRAECIPE FOR SUBSTITUTION OF PARTY

TO THE PROTHONOTARY:

KINDLY substitute Richard J. Eazor as Administrator for the Estate of Richard A. Eazor, deceased, in place of Candace A. Eazor, pursuant to the Grant of Letters of Administration dated March 21, 2007, a copy of which is attached as Exhibit A.

Respectfully submitted,

William Weiler, Jr., Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served on the 11th day of May, 2007 upon the following by regular first class U.S. mail, postage prepaid:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Respectfully submitted,

William Weiler, Jr., Esquire

Register of Wills of JEFFERSON County, Pennsylvania
Certificate of Grant of Letters

No. 2002-00278 PA No. 33-02-0278

ESTATE OF EAZOR RICHARD A
(LAST, FIRST, MIDDLE)

Late of POLK TOWNSHIP, JEFFERSON COUNTY,
Deceased

Social Security No. 184-52-5367

WHEREAS, EAZOR RICHARD A (LAST, FIRST, MIDDLE), late of POLK TOWNSHIP JEFFERSON COUNTY, died on the 6th day of October 2002; and

WHEREAS, the grant of letters of administration PENDENTE LITE is required for the administration of the estate.

THEREFORE, I, DIANE MAIHLE KIEHL, Register of Wills in and for the County of JEFFERSON, in the Commonwealth of Pennsylvania, have this day granted Letters of Administration PENDENTE LITE to EAZOR J RICHARD
(LAST, FIRST, MIDDLE)

who has duly qualified as administrator(rix) PENDENTE LITE of the estate of the above named decedent and has agreed to administer the estate according to law, all of which fully appears of record in my Office at JEFFERSON COUNTY COURT HOUSE, BROOKVILLE, PENNSYLVANIA.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my Office on the 21st day of March 2007.

Diane Maihle Kiehl
Register of Wills

NOTE ALL NAMES ABOVE APPEAR (LAST, FIRST, MIDDLE)

FERRARO, KRUK & FERRARO, LLP
ATTORNEYS AT LAW

R. EDWARD FERRARO
GREGORY M. KRUK
ROSS F. FERRARO

690 MAIN STREET
BROCKWAY, PENNSYLVANIA 15824

Phone: (814) 268-2202
Fax: (814) 265-8740

Date: 5/10/07 Time Sent: _____ _____ M.

From: Sally

To: Atty. Weiler @ Fax #: 412/471-2754

Number of Pages to Follow: 1

Original Will Follow: _____ Original Will Not Follow: ✓

IN RE: Richard A. Eaza Estate

Delivery of Letters of Admin. Pendente Lite

to J. Richard Eaza

Confidentiality Note

The documents accompanying this telecopy transmission contain information from the Law Firm of Ferraro, Kruk & Ferraro which is confidential and/or legally privileged. The information is intended for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the documents should be returned to this firm immediately in this regard. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDACE A. EAZOR, EXECUTRIX,	**PRAECIPE FOR ENTRY OF APPEARANCE**
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

Filed on Behalf of the Administrator:
Richard J. Eazor

Counsel of Record for this Party:

Ray F. Middleman, Esquire
Pa. I.D. No. 40999

William Weiler, Jr., Esquire
Pa. I.D. No. 50497

MALONE MIDDLEMAN, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090

(724) 934-6888
(724) 934-6866 facsimile

FILED
JUN 04 2007
William A. Shaw
Prothonotary/Clerk of Courts

No cc
Copy to CIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDACE A. EAZOR, EXECUTRIX,	**PRAECIPE FOR ENTRY OF APPEARANCE**
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

KINDLY enter the appearance of Ray F. Middleman, Esquire, William Weiler, Jr., Esquire and Malone Middleman on behalf of Richard J. Eazor, the Administrator for the Estate of Richard A. Eazor, deceased, in the above-captioned matter.

Respectfully submitted,

MALONE MIDDLEMAN, P.C.

By: _____

Ray F. Middleman, Esquire
Pa. I.D. No. 40999
William Weiler, Jr., Esquire
Pa. I.D. No. 50497

Malone Middleman, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090
724-934-6888 724-934-6866 (fax)

CERTIFICATE OF SERVICE

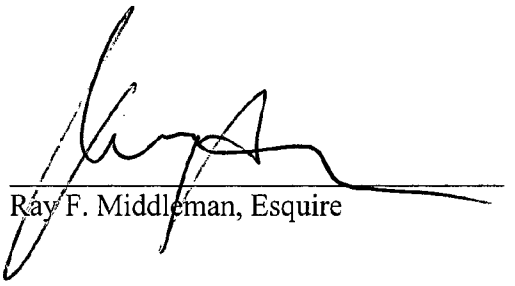
I hereby certify that a copy of the foregoing Praecipe was served on June 1, 2007 upon the following by regular first-class U.S. mail, postage prepaid:

David J. Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Scott Millhouse, Esquire
Meyer, Darragh, Buckler, Bebenek & Eck
600 Grant Street
Suite 4850
Pittsburgh, PA 15219



Ray F. Middleman, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED no cc
m/12:26 BK
JUN 11 2007
William A. Shaw
Prothonotary/Clerk of Courts
copy to CA
GK

LYNN A. SHARP,

Plaintiff,

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

CIVIL ACTION

CASE NO. 2002-1890-CD

PRAECIPE FOR APPEARANCE

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX

Plaintiff,

v.

LYNN A. SHARP,

Defendant.

CIVIL ACTION

CASE NO. 48-2003-CD

2007 MAY 11 P 12:50

Filed on Behalf of the Executrix:
Candace A. Eazor

Counsel of Record for This Party:

SCOTT A. MILLHOUSE, ESQUIRE
PA ID. #33228

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT ST.
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600
E-mail:smillhouse@mdbbe.com

ENTERED

P081:944 1

SCANNED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, **CIVIL ACTION**

Plaintiff, CASE NO. 2002-1890-CD

v.

CANDACE A. EAZOR, EXECUTRIX,

Defendant.

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX **CIVIL ACTION**

Plaintiff, CASE NO. 48-2003-CD

v.

LYNN A. SHARP,

Defendant.

FILED
2007 MAY 17 P 12:50
PROTHONOTARY
JEFFERSON COUNTY
COURT OF COMMON PLEAS

PRAECIPE FOR APPEARANCE

To the Prothonotary:

KINDLY enter the appearance of Scott A. Millhouse, Esquire, of the law firm of Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C., as additional counsel for the Estate of Richard A. Eazor, deceased.

Respectfully submitted,

Scott A. Millhouse, Esquire

POB11944.1
ENTERED

FILED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served on the 14th day of May, 2007, upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire 100 Meadow Lane, Suite 5 DuBois, PA 15801	Louis Schmitt, Esquire P.O. Box 533 Hollidaysburg, PA 16648	Eugene Sundberg, Esquire Suite 300 300 State Street Erie, PA 16507

Respectfully submitted,

William Weiler, Jr., Esquire

P0811944.1

ENTERED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	**PRAECIPE TO WITHDRAW APPEARANCE**
CANDACE A. EAZOR, Administrator, of the Estate of Richard A. Eazor	
Defendant.	

FILED NoCC
m/1:1Lo Bill Copy
JUL 26 2007 to C/A
William A. Shaw
Prothonotary/Clerk of Courts

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

Filed on Behalf of the Executrix:
Candace A. Eazor

Counsel of Record for This Party:

SCOTT A. MILLHOUSE, ESQUIRE
PA ID. #33228

MEYER, DARRAGH, BUCKLER, BEBENEK & ECK, P.L.L.C.

600 GRANT ST.
SUITE 4850
PITTSBURGH, PA 15219-6194
412/261-6600
E-mail:smillhouse@mdbbe.com

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDACE A. EAZOR, Administrator, of the Estate of Richard A. Eazor	
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor	**CIVIL ACTION**
Plaintiff,	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

PRAECIPE TO WITHDRAW APPEARANCE

To the Prothonotary:

Because other counsel have appeared on behalf of the defendant, please withdraw the appearance of Meyer, Darragh, Buckler, Bebenek & Eck and Scott A. Millhouse on behalf of plaintiff, Candace A. Eazor, Executrix.

Respectfully submitted,

Scott A. Millhouse, Esquire

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Praecipe was served on the 14th day of May, 2007, upon the following by regular first class U.S. mail, postage prepaid:

David Hopkins, Esquire
100 Meadow Lane, Suite 5
DuBois, PA 15801

Louis Schmitt, Esquire
P.O. Box 533
Hollidaysburg, PA 16648

Eugene Sundberg, Esquire
Suite 300
300 State Street
Erie, PA 16507

Ray Middleman
Malone Middleman
Northridge Office Plaza
117 VIP Drive
Suite 310
Wexford, PA 15090

William Weiler
Malone Middleman
Northridge Office Plaza
117 VIP Drive
Suite 310
Wexford, PA 15090

Respectfully submitted,

Scott Milhouse, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,

Defendant

No. 02-1890-CD

FILED

AUG 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,

Plaintiff,

vs.

LYNN A. SHARP,

Defendant

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PA
CIVIL DIVISION

No. 48 C.D. 2003

ISSUE: JOINT MOTION TO PAY MONEY INTO COURT AND FOR LEAVE TO HAVE INSURANCE DEFENSE COUNSEL WITHDRAW

Filed on behalf of Defendants

Counsel of Record for Defendant:
Attorney for Defendant
Lynn A. Sharp
McIntyre, Hartye, & Schmitt
Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581 Phone
(814) 696-9399 Fax

Counsel of Record for Defendant:
Attorney for Defendant
Estate of Richard A. Eazor
Marsh, Spaeder, Baur, Spaeder & Schaaf, LLP
Eugene C. Sundberg, Jr., Esquire
Pa. I.D. #
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301
(814) 456-1112

I hereby certify that a true and correct copy of the within was forwarded to all counsel of record on this 21st day of August, 2007.

Attorney for Defendant
Lynn A. Sharp

JURY TRIAL DEMANDED

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2007, a Rule is hereby granted to show cause why the Joint Motion To Pay Money Into Court And For Leave To Have Insurance Defense Counsel Withdraw filed on behalf of defendants, Lynn A. Sharp and Richard J. Eazor, Administrator of the Estate of Richard A. Eazor, should not be granted.

This Rule is returnable on the _____ day of _____, 2007, at ___:___ am/pm in Courtroom No._____, of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT:

_____

J.

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

PROPOSED ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of the Joint Motion to Pay Money into Court and for Leave to have Insurance Defense Counsel Withdraw filed on behalf of defendants Lynn A. Sharp and Richard J. Eazor, Administrator of the Estate of Richard A. Eazor, deceased, it is hereby **ORDERED, ADJUDGED, AND DECREED** as follows:

1. That Progressive shall deposit its policy limits of $30,000 into the Court for disbursement as agreed by the parties, or upon further Order of the Court;

2. That Progressive is discharged from any and all liability to any and all of the parties in relation to its insurance policy proceeds; and

3. That Louis C. Schmitt, Jr., Esquire, and Eugene C. Sundberg, Jr., Esquire, are granted leave to withdraw as counsel on behalf of their respective clients, defendant Lynn A. Sharp and defendant Estate of Richard A. Eazor, deceased.

BY THE COURT:

_____

J.

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	: IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	: IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

JOINT MOTION TO PAY MONEY INTO COURT AND FOR LEAVE TO HAVE INSURANCE DEFENSE COUNSEL WITHDRAW

AND NOW, comes Progressive, insurer of defendants Lynn A. Sharp and Richard J. Eazor, Administrator of the Estate of Richard A. Eazor, deceased, saying as follows:

1. These coordinated lawsuits arise out of a single-car accident which occurred on October 6, 2002 near Sigel, Jefferson County, Pennsylvania. At that time and place, a 1989 Chevrolet Corsica owned by defendant Lynn Sharp was heading northbound on State Route 949 when it went off the west side of the road, and struck a tree. Defendant Lynn A. Sharp was injured in that motor vehicle accident. Decedent Richard A. Eazor was fatally injured, and died shortly after the accident.

2. On December 6, 2002, defendant Lynn A. Sharp filed a Complaint in the Court of Common Pleas of Clearfield County against defendant Estate of Richard A.

Eazor, alleging she was a passenger in the vehicle and that Mr. Eazor was negligently operating it at the time of the accident. On January 22, 2003, the Eazor Estate filed a Complaint in Jefferson County against defendant Lynn A. Sharp alleging that Mr. Eazor was the passenger of the vehicle and that Ms. Sharp was negligently operating it at the time of the accident.

3. On May 27, 2004, the two cases were coordinated in the Court of Common Pleas of Clearfield County.

4. The issue as to who was the driver of the Chevrolet Corsica at the time of the accident has not yet been determined.

5. The 1989 Chevrolet Corsica was insured through Progressive Policy No. 55325606-1, with effective dates of coverage of May 19, 2002 through November 19, 2002. That policy of insurance provided bodily injury coverage in the amount of $15,000 per person, $30,000 per accident. (See copy of Progressive's Declarations Sheet, attached hereto as Exhibit "A").

6. Due to the conflicting evidence as to who was operating the motor vehicle at that time of the accident, Progressive is unclear as to whether it owes liability damages to defendant Lynn A. Sharp or defendant Estate of Richard A. Eazor. Accordingly, Progressive has offered its $15,000 per person limits of insurance coverage to *both* defendant Lynn A. Sharp and defendant Estate of Richard A. Eazor, exhausting Progressive's entire $30,000 limits of bodily injury coverage. To date, those policy limits have not been accepted.

7. Progressive has retained Louis C. Schmitt, Jr., Esquire, as insurance defense counsel on behalf of defendant Lynn A. Sharp, and has retained Eugene C. Sundberg, Jr., Esquire, as insurance defense counsel on behalf of defendant Estate of Richard A. Eazor. Both of those parties in their capacity as plaintiffs continue to be represented by other counsel.

8. This matter is now in the process of being scheduled for trial.

9. In light of the tendering of its entire $30,000 policy limits to the parties, it is unnecessary and unfair for Progressive to continue to incur further legal fees and costs with regard to providing two insurance defense counsel in a situation where it has already tendered its entire policy limits to the parties, and where the parties will continue to be represented by competent other counsel through trial.

WHEREFORE, Progressive respectfully requests that this Honorable Court grant it leave to pay its $30,000 policy limits into court, and grant Louis C. Schmitt, Jr., Esquire and Eugene C. Sundberg, Jr., Esquire leave to withdraw as counsel on behalf of defendants Lynn A. Sharp and the Estate of Richard A. Eazor, respectively.

Respectfully submitted,

McINTYRE, HARTYE & SCHMITT

Attorney for Defendant
Lynn A. Sharp
LOUIS C. SCHMITT, JR., ESQUIRE
PA ID. No. 52459
P. O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581 - (814) 696-9399 - FAX

MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF, LLP

Attorney for Defendant
Richard J. Eazor, Administrator of the
Estate of Richard A. Eazor
Eugene C. Sundberg, Jr., Esquire
PA ID. No.
Suite 300, 300 State Street
Erie, PA 16507
(814) 456-5301 – (814) 456-1112

EXHIBIT 'A'

PROGRESSIVE NORTHERN INSURANCE COMPANY
P.O. BOX 94625
CLEVELAND, OH 44101-4625

EDNER MERRITT I AGCY
POBOX 603
DU BOIS PA 15801

PROGRESSIVE

24 Hour Policy Service 1-800-888-7764
24 HOUR BILLING INQUIRY 1-800-999-8781
24 HOUR CLAIMS SERVICE 1-800-776-4737

PERSONAL AUTO POLICY DECLARATIONS PAGE
FOR NAMED INSURED:

LYNN A SHARP
416 MAPLE AVENUE
DUBOIS PA 15801

POLICY NUMBER: 55325606-1

POLICY PERIOD: 05/19/02 TO 11/19/02

This policy inceptc the later of:
1. the time the application for insurance is executed on the first day of the policy period; or
2. 12:01 a.m. on the first day of the policy period.
This policy shall expire at 12.01 a.m. on the last day of the policy period.

The following coverages and limits apply to each described vehicle as shown below. Coverages are defined in the policy and are subject to the terms and conditions contained in the policy, including amendments and endorsements. No changes will be effective prior to the time changes are requested.

LYNN A SHARP
416 MAPLE AVENUE
DUBOIS PA 15801

REASON FOR ISSUANCE: RENEWAL

IF YOU BUY COLLISION COVERAGE, IT DOESN'T APPLY TO VEHICLES RENTED FOR BUSINESS OR FOR 6 MONTHS OR MORE.

VEH#	YR	MAKE - MODEL	SERIAL NUMBER	STATED AMT
1	1989	CHEVR CORSICA	4H 1G1LT6418KY266566	
2				
3				
4				

DRV#	LISTED DRIVERS	EXCLUDED	SR22	RATED
1	LYNN A SHARP	NO	NO	YES
2				
3				
4				
5				

COVERAGES AND LIMITS OF LIABILITY	VEH #1	VEH #2	VEH #3	VEH #4	TOTAL
THE COVERAGE IS APPLICABLE ONLY IF A PREMIUM IS INDICATED.	PREMIUMS				
BODILY INJURY & PROPERTY DAMAGE LIABILITY BI $15,000 EACH PERSON - $30,000 EACH ACCIDENT PROPERTY DAMAGE LIABILITY - $10,000 EACH ACCIDENT	$241				$241
UNINSURED MOTORIST - REJECTED					
UNDERINSURED MOTORIST - REJECTED					
FIRST PARTY BENEFITS MEDICAL BENEFITS $5,000 PER PERSON	$103				$103
LIMITED TORT SEE REVERSE PREMIUM BY VEHICLE	$344				
TOTAL POLICY PREMIUM					$344

NOTICE: THIS POLICY DOES NOT PROVIDE PROTECTION AGAINST UNINSURED AND UNDERINSURED MOTORISTS.

ATTACHMENTS IDENTIFIED BY FORM NO.

COUNTERSIGNED: EDNER MERRITT I AGCY

Authorized Representative

Form No. 1113 (6-97) INSURED COPY PMNE1024011205L1113

08/17/2007 14:11 FAX 8144719261 PROGRESSIVE 001/002

NO SURCHARGE FOR MOTOR VEHICLE RECORD CITATION(S) HAS BEEN ADDED TO THIS PREMIUM

Any person who knowingly and with intent to injure or defraud any insurer files an application or claim containing any false, incomplete or misleading information shall, upon conviction, be subject to imprisonment for up to seven years and payment of a fine of up to $15,000.

ANY LOSS UNDER PART IV IS PAYABLE TO NAMED INSURED AND LIENHOLDER:

LIENHOLDER

VEH #1 VEH #2

VEH #3 VEH #4

ADDITIONAL INTEREST INSURED

FOR COMPANY USE ONLY

DISCOUNTS:	VEH 1	VEH 2	VEH 3	VEH 4
PASSIVE RESTRAINT DISCOUNT	X			

ADDITIONAL POLICY INFORMATION:
NONE

VEH	PT CL	TIER	ISO	SYMBOL LIAB	SYMBOL COMP	SYMBOL COLL	SYMBOL PI	GARAGE ZIP
1	00			08	05	04	10	15801
2								
3								
4								

DRIVER #	DRIVER AGE	SEX	M/S
1	30	F	S
2			
3			
4			

COMPANY	05
MARKET	NON-STANDARD
LEVEL	SUPER-SAVER
PAY PLAN	4G
R/R	0111
FACTOR %	1.000
FORM	9608PA
ED.	0501
AGENT CODE	X5 55366
PREV POL #	55325608-0
	PRORATER

FC 04 053830 02120 080

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED
AUG 24 2007
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

Coordinated Case No. 02-1890-C.D.

5 X cert to Atty

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

Type of Pleading: Motion in Opposition to Joint Motion to Pay Money into Court and for Leave to have Insurance Defense Counsel Withdraw

Filed on behalf of: Lynn A. Sharp

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	
LYNN A. SHARP, Defendant	:	

MOTION IN OPPOSITION TO JOINT MOTION TO PAY MONEY INTO COURT AND FOR LEAVE TO HAVE INSURANCE DEFENSE COUNSEL WITHDRAW

AND NOW, comes Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP, and files the within Motion in Opposition to the Joint Motion to Pay Money into Court and for Leave to have Insurance Defense Counsel Withdraw as it relates to Louise C. Schmitt, Jr.'s withdrawal as defense attorney for Lynn A. Sharp.

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Denied. Under the terms of Progressive Insurance policy, Lynn Sharp is entitled to a defense, and therefore, a defense attorney provided by Progressive Insurance Company, that being Louise C. Schmitt, Jr., Esquire. Lynn Sharp has no other individuals to represent her interest in the defense of the action brought by the Estate of Richard Eazor and she is at risk of a jury verdict entered against her in excess of the Progressive Insurance Company policy's limits. Inasmuch as Lynn Sharp has no other defense in this action, it would be unfair to permit her defense attorney to withdraw.

WHEREFORE, Lynn Sharp respectfully requests this Honorable Court deny the Petition of Louise C. Schmitt, Jr., Esquire, to withdraw as counsel on behalf of Defendant, Lynn Sharp.

Respectfully submitted,

HOPKINS HELTZEL LLP

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Motion in Opposition to Joint Motion to Pay Money into Court and for Leave to have Insurance Defense Counsel Withdraw, filed on behalf of the Lynn A. Sharp, was hand delivered on the 24th day of August, 2007, by United States Mail, first class, postage prepaid, to all counsel of record:

Louis C. Schmitt, Jr., Esquire
Pfaff, McIntyre, Dugas, Hartye & Schmitt
P.O. Box 533
Hollidaysburg, PA 16648

Eugene C. Sundberg, Jr., Esquire
Marsh Spaeder Baur Spaeder & Schaaf, LLP
Suite 300, 300 State Street
Erie, PA 16507

Ray F. Middleman, Esquire
William Weiler, Jr., Esquire
Malone Middleman, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090

David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

FILED
AUG 24 2007
0/2:30/w
William A. Shaw
Prothonotary/Clerk of Courts
Cert to Atty & Sheriff

LYNN A. SHARP : NO. 02-1890-CD
:
V. :
:
CANDACE A. EAZOR :

ORDER

1. Jury Selection in this matter is scheduled for August 28, 2007, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
2. Trial in this matter is scheduled for December 4, 5, 6, 7, 2007, beginning at 9:00 o'clock A.M. in Courtroom No. 2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.
3. The deadline for providing any and all outstanding discovery shall be by and no later than thirty (30) days prior to the commencement of trial.
4. The deadline for submitting any and all Motions shall be by and no later than twenty (20) days prior to the commencement of trial.
5. Points for Charge shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
6. Proposed Verdict Slip shall be submitted to the Court by and no later than fifteen (15) days prior to the commencement of trial.
7. The parties shall mark all exhibits for trial prior to trial to speed introduction of exhibits.

BY THE COURT,

Paul E. Cherry

PAUL E. CHERRY,
JUDGE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	Type of Pleading: Consent Order
vs.	:	
LYNN A. SHARP, Defendant	:	Filed on behalf of: Lynn A. Sharp
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801
	:	(814) 375-0300

FILED 3cc Atty Hopkins
04:00/3H
AUG 27 2007
(6K)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CONSENT ORDER

AND NOW, this matter having come before the Court upon the joint oral petition of Lynn A. Sharp and the Estate of Richard Eazor; and it appearing the parties have entered into a Consent Order;

IT IS this 24th day of August, 2007 ORDERED and ADJUDGED that the above captioned matters, heretofore coordinated by this Court are now consolidated and all matters relating to either case shall be under the jurisdiction of the Court of Common Pleas of Clearfield County through trial and post trial motions.

BY THE COURT,

August 24, 2007

JUDGE

I consent to the form and entry of the within Order.

Louis C. Schmitt, Jr., Esquire

Ray F. Middleman, Esquire

David J. Hopkins, Esquire

Eugene C. Sundberg, Jr., Esquire

FILED

AUG 27 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/27/07

X You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

8/27/07 - Received order w/ Judge's signature from Atty Hopkins. Order not signed by attorneys.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED
01:33:30
AUG 28 2007
William A. Shaw
Prothonotary/Clerk of Courts
4CC Atty Hopkins

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	Type of Pleading: Consent Order
vs.	:	
LYNN A. SHARP, Defendant	:	Filed on behalf of: Lynn A. Sharp
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801
	:	(814) 375-0300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CONSENT ORDER

AND NOW, this matter having come before the Court upon the joint oral petition of Lynn A. Sharp and the Estate of Richard Eazor (hereinafter "the parties"); and it appearing the parties have entered into a Consent Order;

IT IS this 24th day of August, 2007 ORDERED and ADJUDGED as follows:

1. The trial of the above captioned matters shall only be on the issue of liability – who was the driver of the motor vehicle on October 6, 2002 ("the driver");

2. The parties stipulate the driver of the motor vehicle was negligent. The driver's negligence was the proximate cause of the passenger's injury;

3. The parties stipulate the passenger of the motor vehicle has damages in excess of the insurance proceeds provided by Progressive Insurance Company and Sentry Insurance Company;

4. The parties stipulate that in the event the jury identifies the driver then the passenger shall be entitled to all of the funds received from Sentry Insurance Company plus accrued interest. The passenger shall not seek any additional funds from the driver and this stipulation shall constitute a joint release of liability after the escrowed funds together with accrued interest have been paid over to the passenger;

5. In the event neither party carries their burden of proof and/or the jury is unable to decide the driver, then and in such event, Lynn A. Sharp and the Estate of Richard Eazor shall equally divide the Sentry Insurance Company funds plus accrued interest;

6. Progressive Insurance Company shall pay Hopkins Heltzel LLP and Lynn Sharp $15,000.00 and Ray F. Middleman, Esquire and Estate of Richard A. Eazor $15,000.00, and thereafter, neither party shall have any further claim against Progressive Insurance Company; and

7. The Motion of Louis C. Schmitt, Jr., Esquire, and Eugene C. Sundberg, Jr. to withdraw from further representation of the parties is granted when Progressive Insurance Company makes payment as set forth in Section 6.

BY THE COURT,

JUDGE

I consent to the form and entry of the within Order.

Ray F. Middleman, Esquire

David J. Hopkins, Esquire

FILED

AUG 28 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/28/07

X You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

ORIGINAL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,

Defendant

No. 02-1890-CD

FILED
m/10:50 NO CC
OCT 04 2007
William A. Shaw
Prothonotary/Clerk of Courts
Copy to C/A

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,

Plaintiff,

vs.

LYNN A. SHARP,

Defendant

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PA
CIVIL DIVISION

No. 48 C.D. 2003

ISSUE: **Praecipe for Withdrawal of Appearance**

Filed on behalf of Defendant

Counsel of Record for Defendant:
McIntyre, Hartye, & Schmitt
Louis C. Schmitt, Jr., Esquire
Pa. I.D. #52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581 Phone
(814) 696-9399 Fax

JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 2nd DAY OF OCTOBER, 2007.

Attorney for Defendant

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 02-1890-CD

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant.	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA Case No.: 48 C.D. 2003 JURY TRIAL DEMANDED

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO: Prothonotary

Pursuant to the Consent Order of Court dated August 24, 2007, please withdraw my Appearance on behalf defendant, Lynn A. Sharp.

Date: October 1, 2007

MCINTYRE, HARTYE, & SCHMITT

By:_____

Louis C. Schmitt, Jr., Esquire
PA I.D. No. 52459

P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	Type of Pleading: Consent Order
vs.	:	
LYNN A. SHARP, Defendant	:	Filed on behalf of: Lynn A. Sharp
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801
	:	(814) 375-0300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CONSENT ORDER

AND NOW, this matter having come before the Court upon the joint oral petition of Lynn A. Sharp and the Estate of Richard Eazor (hereinafter "the parties"); and it appearing the parties have entered into a Consent Order;

IT IS this 24th day of August, 2007 ORDERED and ADJUDGED as follows:

1. The trial of the above captioned matters shall only be on the issue of liability – who was the driver of the motor vehicle on October 6, 2002 ("the driver");

2. The parties stipulate the driver of the motor vehicle was negligent. The driver's negligence was the proximate cause of the passenger's injury;

3. The parties stipulate the passenger of the motor vehicle has damages in excess of the insurance proceeds provided by Progressive Insurance Company and Sentry Insurance Company;

4. The parties stipulate that in the event the jury identifies the driver then the passenger shall be entitled to all of the funds received from Sentry Insurance Company plus accrued interest. The passenger shall not seek any additional funds from the driver and this stipulation shall constitute a joint release of liability after the escrowed funds together with accrued interest have been paid over to the passenger;

5. In the event neither party carries their burden of proof and/or the jury is unable to decide the driver, then and in such event, Lynn A. Sharp and the Estate of Richard Eazor shall equally divide the Sentry Insurance Company funds plus accrued interest;

6. Progressive Insurance Company shall pay Hopkins Heltzel LLP and Lynn Sharp $15,000.00 and Ray F. Middleman, Esquire and Estate of Richard A. Eazor $15,000.00, and thereafter, neither party shall have any further claim against Progressive Insurance Company; and

7. The Motion of Louis C. Schmitt, Jr., Esquire, and Eugene C. Sundberg, Jr. to withdraw from further representation of the parties is granted when Progressive Insurance Company makes payment as set forth in Section 6.

BY THE COURT,

/s/ Paul E. Cherry

_____

JUDGE

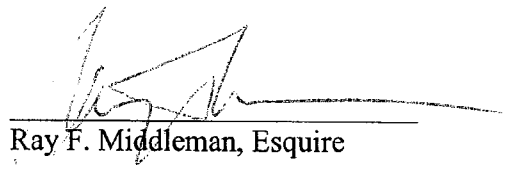
I hereby certify this to be a true and attested copy of the original statement filed in this case.

AUG 28 2007

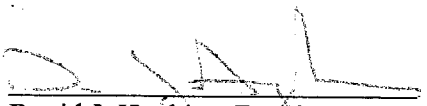
Attest.

Prothonotary/
Clerk of Courts

I consent to the form and entry of the within Order.



Ray F. Middleman, Esquire



David J. Hopkins, Esquire

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 1890 CD 2002

FILED
m/12:47/cc
OCT 11 2007
William A. Shaw
Prothonotary/Clerk of Courts
No cc
Copy to C/A
GK

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Plaintiff	:	
v.	:	CIVIL DIVISION - LAW
LYNN A. SHARP, Defendant	:	NO. 48 CD 2003

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Pursuant to the Consent Order of Court dated August 24, 2007, please withdraw my appearance on behalf of the defendant, Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased.

Respectfully submitted,

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By Eugene C. Sundberg Jr.

Eugene C. Sundberg, Jr.
Attorneys for Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, Deceased
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Coordinated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

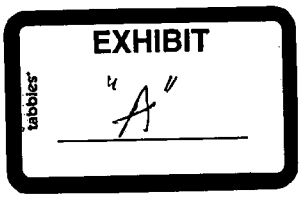
CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:
vs.	:
LYNN A. SHARP, Defendant	:

CONSENT ORDER

AND NOW, this matter having come before the Court upon the joint oral petition of Lynn A. Sharp and the Estate of Richard Eazor (hereinafter "the parties"); and it appearing the parties have entered into a Consent Order;

IT IS this 24th day of August, 2007 ORDERED and ADJUDGED as follows:

1. The trial of the above captioned matters shall only be on the issue of liability – who was the driver of the motor vehicle on October 6, 2002 ("the driver");



2. The parties stipulate the driver of the motor vehicle was negligent. The driver's negligence was the proximate cause of the passenger's injury;

3. The parties stipulate the passenger of the motor vehicle has damages in excess of the insurance proceeds provided by Progressive Insurance Company and Sentry Insurance Company;

4. The parties stipulate that in the event the jury identifies the driver then the passenger shall be entitled to all of the funds received from Sentry Insurance Company plus accrued interest. The passenger shall not seek any additional funds from the driver and this stipulation shall constitute a joint release of liability after the escrowed funds together with accrued interest have been paid over to the passenger;

5. In the event neither party carries their burden of proof and/or the jury is unable to decide the driver, then and in such event, Lynn A. Sharp and the Estate of Richard Eazor shall equally divide the Sentry Insurance Company funds plus accrued interest;

6. Progressive Insurance Company shall pay Hopkins Heltzel LLP and Lynn Sharp $15,000.00 and Ray F. Middleman, Esquire and Estate of Richard A. Eazor $15,000.00, and thereafter, neither party shall have any further claim against Progressive Insurance Company; and

7. The Motion of Louis C. Schmitt, Jr., Esquire, and Eugene C. Sundberg, Jr. to withdraw from further representation of the parties is granted when Progressive Insurance Company makes payment as set forth in Section 6.

BY THE COURT,

/s/ Paul E. Cherry

JUDGE

I consent to the form and entry of the within Order.

Ray F. Middleman, Esquire

David J. Hopkins, Esquire

I hereby certify this to be a true and attested copy of the original statement filed in this case.

AUG 28 2007

Attest.

Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	
v.	:	
CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Defendant	:	NO. 1890 CD 2002

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Deceased, Plaintiff	:	
v.	:	CIVIL DIVISION - LAW
LYNN A. SHARP, Defendant	:	NO. 48 CD 2003

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Praecipe for Withdrawal of Appearance was mailed by first class mail, postage prepaid, or hand delivered this 8th day of October, 2007, to all counsel of record and unrepresented parties in the above-captioned matter as follows:

David J. Hopkins, Esq.
Hopkins Heltzel, LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801

Raymond M. Middleman, Esq.
Malone Middleman, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090

Louis C. Schmitt, Jr., Esq.
McIntyre Hartye & Schmitt
P.O. Box 533
Holidaysburg, PA 16648

MARSH SPAEDER BAUR SPAEDER & SCHAAF, LLP

By _____
Eugene C. Sundberg, Jr.
Suite 300, 300 State Street
Erie, Pennsylvania 16507
(814) 456-5301

UA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED NO CC
M 10:30 BY
NOV 06 2007 GK
William A. Shaw
Prothonotary/Clerk of Courts

LYNN A. SHARP,	)	**CIVIL DIVISION**
	)	
Plaintiff	)	**NO. 2002-1890-CD**
	)	
v.	)	**MOTION IN LIMINE TO PRECLUDE**
	)	**TESTIMONY OF STATE**
CANDACE A. EAZOR, EXECUTRIX	)	**TROOPER GUY BATTESTILLI**
	)	
Defendant	)	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	)	**CIVIL ACTION**
	)	
Plaintiff	)	**NO. 48-2003-CD**
	)	
v.	)	
	)	
LYNN A. SHARP,	)	
	)	
Defendant	)	

Filed on Behalf of the Administrator:
J. Richard Eazor

Counsel of Record for this Party:

Ray F. Middleman, Esquire
Pa. I.D. No. 40999

MALONE MIDDLEMAN, P.C.
Northridge Office Plaza
117 VIP Drive, Suite 310
Wexford, PA 15090
(724) 934-6888
(724) 934-6866 (Fax)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	**CIVIL ACTION**
Plaintiff,	CASE NO. 2002-1890-CD
v.	
CANDACE A. EAZOR, EXECUTRIX,	
Defendant.	

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	**CIVIL ACTION**
Plaintiff	CASE NO. 48-2003-CD
v.	
LYNN A. SHARP,	
Defendant.	

MOTION IN LIMINE TO PRECLUDE THE TESTIMONY OF STATE TROOPER GUY BATTESTILLI

AND NOW, comes J. Richard Eazor, Administrator of the Estate of Richard A. Eazor, deceased, by and through his attorneys, Ray F. Middleman, Esquire and Malone Middleman, P.C., and files the within Motion in Limine to Preclude certain testimony of Pennsylvania State Trooper Guy Battestilli.

1. This matter comes before the Court to resolve the distribution of $540,000.00 of insurance proceeds, which have previously been paid into Court

by Sentry Insurance, the underinsured motorist carrier of Decedent, Richard Eazor. Those funds are presently being held in an interest bearing account.

2. The incident-giving rise to this action was a single vehicle accident involving a vehicle owned and allegedly operated by Lynn A. Sharp. Both occupants of the vehicle suffered injuries, those of Mr. Eazor proving to be fatal. The sole matter before the Court is the determination of the driver of the vehicle at the time of the incident.

TROOPER BATTESTILLI'S TESTIMONY

3. Pennsylvania State Trooper Guy Battestilli was the investigating officer on this incident and authored the police crash reporting form. (See Deposition Testimony (hereinafter "D.T.") of Trooper Battestilli at pages 10-14.)

4. During his deposition, Trooper Battestilli testified that it was his opinion that Mr. Eazor was the driver of the vehicle at issue. (See D.T. of Trooper Battestilli at page 17). Trooper Battestilli included this opinion in the police crash reporting form.

5. To support his opinion that Mr. Eazor was the driver Trooper Battestilli states the following: (a) Mr. Eazor was the driver because the driver would sustain severe injury to his internal organs and chest due to the severe impact it would take to bend the steering wheel (See D.T. of Trooper Battestilli at pages 38, 39); (b) Trooper Battestilli was told by a witness that Lynn Sharp was sitting with her feet outside the passenger door when that witness arrived at the scene. (See D.T. of Trooper Battestilli at page 20); (See D.T. of Trooper Battestilli at pages 23, 43); (c) he was told by a witness that Lynn Sharp

sustained an ankle injury and he found what appeared to be blood on the passenger side floor and no blood on the driver's side (See D.T. of Trooper Battestilli at pages 19-20); and (d) he was told by a witness that Mr. Eazor had brown hair and Officer Battestilli found what he alleges to be brown hair in the windshield (See D.T. of Trooper Battestilli at pages 19, 43).

6. Trooper Battestilli did not view the accident scene with the parties in situ.

7. Trooper Battestilli did not interview any witness who viewed the parties in their immediate post-accident positions.

8. Trooper Battestilli did not interview either of the parties to this accident. (See D.T. of Trooper Battestilli at pages 9, 39).

9. Trooper Battestilli took no hair or blood samples from the accident vehicle, nor did he confirm the hair type or color of either party. (See D.T. of Trooper Battestilli at pages 24-26, 58).

10. Trooper Battestilli ignored the interview testimony of at least three different witnesses who all recounted that Lynn Sharp repeatedly admitted driving her vehicle at the time of the accident. Not one witness heard any statements – by any person – that Mr. Eazor was driving the vehicle involved in the accident. (See D.T. of Tammy Stansell at pages 11-15; See D.T. of Trooper Ball at page 7).

11. Trooper Battestilli ignored the serious chest and head injuries to Lynn Sharp, which were totally consistent with blunt force trauma induced as a result of her impact with the steering column.

TROOPER BATTESTILLI IS NOT AN EXPERT IN THIS MATTER AND MAY NOT RENDER AN OPINION AS TO WHO WAS DRIVING

12. A police officer who does not personally witness an accident is not competent to testify as to the cause of the accident because "the opinion expressed would be grossly speculative and an invasion of the jury's exclusive prerogative." Bennett v. Graham, 714 A.2d 393, 395 (Pa. 1998); *citing* Brodie v. Philadelphia Transportation Company, 203 A.2d 657, 658 (Pa. 1964). An exception to this rule is where an office has been qualified as an expert. Bennett, 714 A.2d at 395.

13. In order to qualify as an expert in a given field, a witness must possess, at a minimum, "more expertise than is within the ordinary range of training, knowledge, intelligence, or experience". The test is "whether the witness has a reasonable pretension to specialized knowledge on the subject matter in question." Bennett, 714 A.2d at 395; *citing* Flanagan v. Labe, 698 A.2d 183, (Pa. 1997). In the case of police officers, basic police training and experience is *per se* insufficient to demonstrate specialized knowledge. Id; *citing* Reed v. Hutchinson, 480 A.2d 1096 (Pa. Super. 1984).

14. During his deposition, Trooper Battestilli testified that he has been a state trooper for thirteen years. (See D.T. of Trooper Battestilli at page 5). The only traffic investigative course he has taken is the basic accident scene management course. (See D.T. of Trooper Battestilli at page 44). Trooper Battestilli testified to no other special skills, knowledge or experience.

15. Trooper Battestilli does not qualify as an expert in any field relevant to the incident in question, and his testimony must be limited to those opinions or

inferences, which are rationally based on his perception, and not based on scientific, technical, or other specialized knowledge.

16. Trooper Battestilli should be precluded from offering his opinion as to who was driving Ms. Sharp's vehicle on the night of the incident in question because he is not an expert and did not witness the accident.

TROOPER BATTESTILLI'S OPINION THAT MR. EAZOR WAS THE DRIVER LACKS AN ADEQUATE FOUNDATION

17. Even if considered an expert, a fact expressly denied, Trooper Battestilli's opinion that Mr. Eazor was the driver of the vehicle in question lacks an adequate basis in fact. Testimony is incompetent if it lacks an adequate basis in fact. Kelly v. Thackray Crane Rental, 874 A.2d 649, 653 (Pa.Super. 2005). No matter how skilled or experienced the witness may be, he will not be permitted to guess or to state a judgment based on mere conjecture. Collins v. Hand, 246 A.2d 398, 404 (Pa. 1968).

18. In Pennsylvania an expert is permitted to give an opinion based upon, not only personal knowledge, but also upon reports, facts and data of others, which are not in evidence but upon which experts customarily rely in the practice of their profession. Boucher v. Pennsylvania Hospital, 831 A.2d 623, 628 (Pa.Super. 2003). However, an expert will not be permitted simply to repeat another's opinion or data without bringing to bear on it his own expertise and judgment. Primavera v. Celotex Corporation, 608 A.2d 515 (Pa.Super. 1992); *see also* Luzerne County v. Reilly, 825 A.2d 779, 784 (Pa.Cmmwlth. 2003).

Trooper Battestilli Is Not Competent To Render an Opinion As To The Medical Conditions Of The Parties Due To The Accident

19. To support his opinion that Mr. Eazor was the driver, Trooper Battestilli states that the driver would sustain severe chest and internal organ injuries due to the severe impact that must have taken place with the steering wheel. (See D.T. of Trooper Battestilli at pages 38-39).

20. Trooper Battestilli has no specialized knowledge or training that would qualify him as a medical expert in this case.

21. Further, Trooper Battestilli never saw or talked to Richard Eazor or Lynn Sharp. (See D.T. of Trooper Battestilli at pages 9, 39). He never spoke to anyone involved in the medical treatment of Lynn Sharp. (See D.T. of Trooper Battestilli at page 53). He admittedly came to the conclusion that Mr. Eazor was the one who bent the steering wheel without even knowing the extent of Ms. Sharp's or Mr. Eazor's injuries, or whether either party suffered chest injuries. (See D.T. of Trooper Battestilli at pages 58-60).

22. As he did not witness the accident and is not a medical expert, he may not render an opinion as to what or who bent the steering wheel, nor may he opine as to the nature of the medical injuries one would expect a person to receive from such an impact.

23. The fact that Trooper Battestilli may have become aware of Mr. Eazor's or Ms. Sharp's medical condition prior to the trial date does not cure the trooper's incompetency to testify as to any link there might be to the damaged steering wheel and either parties' injuries.

24. An expert may incorporate a non-testifying expert's findings into his own express opinion, however, he is not permitted to merely restate another's conclusions without espousing his own expertise and judgment. Luzerne County v. Reilly, 825 A.2d 779, 784 (Pa.Cmmwlth. 2003); *citing* Primavera v. Celotex Corporation, 608 A.2d 515, 519-21 (Pa.Super. 1992).

25. Because Trooper Battestilli is not qualified to opine on medical causation matters, he should not be permitted to offer any opinions as to the cause of either Mr. Eazor's or Ms. Sharp's injuries. This would prevent Trooper Battestilli from specifically testifying as to a link between Mr. Eazor's or Ms. Sharp's injuries and the damage to the steering wheel. Trooper Battestilli's assertion that it was Mr. Eazor who impacted the steering column is a bold unsubstantiated lay opinion without a competent factual basis.

26. Further, Trooper Battestilli states that due to Lynn Sharp's injuries, she would have been unable to walk (See D.T. of Trooper Battestilli at page 58), and thus must have been the passenger because that is where witnesses said she was found. Trooper Battestilli is not qualified to render an opinion as to the severity of Lynn Sharp's injuries and how said injuries affected her ability to walk. The facts relied upon to form this opinion lack foundation and are incompetent. It should also be noted that Trooper Battestilli does not account for witness testimony that Mr. Eazor helped Ms. Sharp walk from the driver's compartment to the passenger compartment.

27. Trooper Battestilli never spoke with anyone involved in the medical treatment of Lynn Sharp (See D.T. of Trooper Battestilli at page 53), nor did he

ever see Lynn Sharp. The trooper admittedly did not even know the nature or extent of Lynn Sharp's injuries, only that she had an ankle injury. (See D.T. of Trooper Battestilli at page 57).

28. Trooper Battestilli also testified, without any factual basis that, judging by the amount of what appeared to be blood on the passenger's floor, Ms. Sharp's injury must have been severe. (See D.T. of Trooper Battestilli at page 58). However, as far as he knew, the blood on the passenger's floor could have come from Mr. Eazor. (See D.T. of Trooper Battestilli at page 58).

29. It is impossible for Trooper Battestilli to conclude that Lynn Sharp's leg injury was severe based solely upon the amount of blood on the passenger floor. Further retarding the Trooper's lay opinion is the fact that he never tested the alleged blood to determine whether, in fact, it belonged to either party.

30. Trooper Battestilli is not a medical expert and has no personal knowledge as to the injuries suffered by Lynn Sharp in this accident. He must be precluded from testifying as to the nature or extent of any injuries she might have suffered from the accident, and whether those injuries affected her ability to walk. He should also be precluded from linking the blood found on the passenger floor to Ms. Sharp without any substantive proof of the same.

TROOPER BATTESTILLI IS PRECLUDED FROM OFFERING TESTIMONY AS TO THE HAIR FOUND AT THE SCENE OF THE ACCIDENT

31. The final "evidence" Trooper Battestilli proffers to support his opinion that Mr. Eazor was the driver, was that he found what appeared to be "three or four" brown hairs in the windshield.

32. As a lay witness, Trooper Battestilli may only testify as to what he actually perceived. He never saw Lynn Sharp or Mr. Eazor, nor did he verify what color Ms. Sharp's hair was. (See D.T. of Trooper Battestilli at page 23).

33. No samples were taken of the hair found at the scene, (See D.T. of Trooper Battestilli at page 24); no hairs were preserved; (See D.T. of Trooper Battestilli at page 26); and no tests were performed to determine whose hair it was. (See D.T. of Trooper Battestilli at page 25). Further, Trooper Battestilli did not mark the position of the hairs while at the scene of the accident and testified at his deposition that he doesn't recall their exact position on the windshield. (See D.T. of Trooper Battestilli at pages 55-56).

34. It is impossible to determine whose hair was found in the windshield without testing the hair. It is also impossible to know whether the hair at the scene was stained by blood, which may have altered its color. Further, Lynn Sharp testified in her deposition that her hair color turns brown in the wintertime. (See D.T. of Lynn Sharp at page 8). Also of note, Trooper Battestilli's perception was based on "three or four" hairs that he observed in the dark with the help of floodlights.

35. Trooper Battestilli's reliance on three or four hairs, that were not tested to verify whose hairs they were, nor tested for the presence of any blood on the hairs, renders his opinion that the hairs were Mr. Eazor's as mere conjecture and speculation.

36. Notably, the medical evidence shows that it could not have been Mr. Eazor's head that went through the windshield. The medical examiner, Dr.

Harold R. Cottle wrote in his autopsy report with respect to Mr. Eazor that "the scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise." (See Clearfield County Autopsy Diagnosis at page 7).

37. No matter how skilled or experienced the witness may be, he will not be permitted to guess or state a judgment based not mere conjecture. Collins v. Hand, 246 A.2d 390 (Pa. 1968). "Police statements carry with them a naturally high level of 'prestige and authoritativeness' which, when brought to the attention of the jury are 'highly prejudicial.'" Bennet, 714 A.2d at 397; *citing* Johnson v. Peoples Cab Co., 126 A.2d 720 (Pa. 1956).

38. Under the circumstances, it would be extremely prejudicial to allow Trooper Battestilli to testify that the hairs found in the windshield belonged to either party. Trooper Battestilli should be precluded from testifying about the hair found at the scene, and may not use the hair he found to support his conjecture that Mr. Eazor was the driver.

CONCLUSION

39. In summary, and based on the foregoing, Trooper Battestilli is not qualified to render an opinion as to the nature of the injuries that would result from impact or the severity of Lynn Sharp's injuries and whether it affected her ability to walk. He should be precluded from linking the blood found on the passenger floor to Lynn Sharp as he did no testing and did not observe either party bleeding in that place. Trooper Battestilli should be precluded from

testifying that the hair found at the scene of the accident belonged to Mr. Eazor because it would be total conjecture on his part to so opine.

40. Trooper Battestilli's opinion that Mr. Eazor was driving lacks foundation and he should not be permitted to render such an opinion at trial.

WHEREFORE, Administrator, J. Richard Eazor, requests this Honorable Court to preclude Trooper Battestilli from entering any testimony as to the nature or extent of either parties injuries; the color or owner of the hair found at the scene; or rendering an opinion as to who was the driver of the vehicle involved in the accident in question.

Respectfully submitted,

MALONE MIDDLEMAN, P.C.

By: _____
Ray F. Middleman, Esquire
Attorney for J. Richard Eazor,
Administrator of the Estate of
Richard A. Eazor

DEPOSITION TRANSCRIPT OF ROBERT BALL

PAGE 7

paramedics or EMTs. I just asked them briefly, real quick, you know, what was his condition, and they said -- didn't look good, and they were immediately going to start transporting him if they could.

Turned around, went back, and I know I saw the -- the next time I saw this female, she was already loaded up in the ambulance and they were working on her. I don't know. I asked the EMT her condition or -- I could see that she had some injuries to her that were -- there was some bloody -- right or left ankle I could see was injured pretty severely. And I went around to the side of the ambulance and got in. I asked her a couple just quick questions because I knew they were going to transport her pretty soon, and then my contact with her was not until the hospital.

Q. Can you tell us what questions you asked her?

A. I asked her very quickly, was she involved in an accident. She of course said, yes, she was. I said, "Were you the operator or was the male the operator?" She said she was. And I said, "Had you guys been drinking tonight?" And she said yes. And those are the only three things that I would have asked her.

Q. Was her response to you clear that she was driving?

A. Clear as in, did she say verbally clear or clear like she answered quickly? I mean --

DEPOSITION TRANSCRIPT OF TAMMY STANSELL

PAGES 11- 15

A. Marilyn Becker drove the ambulance, and Luke Crosley was in the back with me.

Q. Prior to leaving the -- I'll call it the Palmer residence, did you have any conversations with a state police officer that you can recall?

A. I don't recall. I don't know if one was there or not. I'm focused on my patient, so I honestly can't tell you.

Q. Did you have any conversations with Lynn Sharp, prior to leaving the Palmer residence, about who was driving the vehicle?

A. Prior to extricating Lynn from the vehicle that she was in, the one that we found her in which was not the accident victim vehicle -- there wasn't any damage to the vehicle that we found her in. I asked who was driving the vehicle for mechanism of injury, and she told me that she was.

Q. How many times did you ask her that question?

A. Probably four or five.

Q. Four or five times?

A. (Nods head affirmatively.)

Q. And can you repeat for us the exact question, as best as you can remember it, that you asked her?

A. Well, initially probably -- probably, in the back seat of the -- when she was in the back seat of the car

and I asked her, I asked if she -- who was the driver of the vehicle because neither occupant was in the vehicle for mechanism of injury. In the ambulance then --

Q. What did she respond?

A. She was; she was the driver.

Q. Those were -- to the best of your recollection, the exact words.

A. "I was the driver." And then in the ambulance we -- I also asked several times with Luke Crosley present because I -- the injury on her chest, the absent lung sound, trying to ascertain who was the driver, and I specifically asked after that because I -- I know -- I knew who was in -- the other person in the vehicle, and I knew that he did not have a driver's license. So I --

Q. Are you referring to Richard Eazor?

A. To Richard Eazor. So I thought that maybe there was some attempt on her part to say that she was the driver to cover for Mr. Eazor, and I told her that I didn't care who was driving; that I needed the truth about who was driving so we could ascertain her injuries. And she again told me that she was driving.

Q. That was in the ambulance on the way to the hospital?

A. In the ambulance, yes, sir.

Q. And I just want to focus in on how many times you

asked that question at the Palmer residence and how many times you asked it in the ambulance.

A. Probably once at the Palmer residence because my main concern was getting her out of the car and getting her in the ambulance where there was light and equipment. And more than two times less than five times in the back of the ambulance. Pinpoint a number, I cannot do that.

Q. And your best recollection of the exact words that she used while in the back of the ambulance to those more than two, less than five questions about who was driving, was what?

A. That she said she was driving. And I said, "I know Rick doesn't have --" I specifically told her that, "I know Rick doesn't have a driver's license. I don't care who was driving." I needed to know for treatment who was driving, and she said she was.

Q. Did you have the opportunity to ask her other questions?

A. Yes, difficulty with breathing, pain, where she lived.

Q. Was she responsive to those questions?

A. Yes, she was.

Q. Did she appear to you to know the question that you were asking?

A. She could tell me month, date, time, roughly,

initially. As -- the closer we got to the hospital, the more she decompensated, the less verbal she was. But she still spoke in the emergency room because I stayed until after Life Flight left. We assisted until Life Flight left.

Q. So you were in the emergency room?

A. That's correct.

Q. And did she make any -- were you actually physically in the emergency room?

A. I was physically in the emergency room until Life Flight came and -- Life Flight intubated. The physician cannot intubate. The Life Flight nurse intubated.

Q. Did you, in the emergency room, ask her any questions about who was driving?

A. I did not talk to her in the emergency room. The hospital staff talked to her in the emergency room.

Q. Did you overhear the questions that they asked her?

A. Yes, I did.

Q. And I'm referring to questions about driving.

A. Yes, I did.

Q. Can you tell us who asked the questions, what were the questions and what were her responses?

A. Who was in the emergency room, I cannot answer that nurse wise. I believe it was Dr. George Palmer was the emergency room physician that night. And I don't know if

he asked or if the nurses there asked, but they did ask about who was driving the vehicle, and she said she was.

Q. When you say they asked, did you actually hear them ask, or was this told to you by someone else?

A. No. I heard them ask the patient.

Q. Can you give us your best recollection of how many times that question was asked?

A. No, I could not. At least once.

Q. And how far approximately were you from Lynn Sharp when she responded in that manner?

A. Holding her feet.

Q. Was Luke Crosley also in the emergency room with you?

A. Luke was in the emergency room. Whether he stayed the whole time or not, I can't say that, but he was in the emergency room.

Q. And he also was in the ambulance.

A. He was in the ambulance for the whole transfer.

Q. Were there any statements made by Lynn Sharp about drinking that evening to you?

A. I asked if they drank -- if she drank, and she said she had beer.

Q. When did you ask that question?

A. In the vehicle, when she was still in the vehicle, before she was taken out of the back seat of the vehicle.

DEPOSITION TRANSCRIPT
OF
GUY A. BATTESTILLI

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff vs. CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	*	CIVIL DIVISION NO. 02-1890-CD

ORIGINAL

* *

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY
PENNSYLVANIA

CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Plaintiff vs. LYNN A. SHARP, Defendant	*	CIVIL DIVISION NO. 48-2003-CD

Deposition of : **GUY A. BATTESTILLI**

Date : Monday, August 11, 2003
11:36 a.m.

Place : Law Offices of Ferraro & Young
690 Main Street
Brockway, PA 15824

Reported by : Elizabeth Schreiber Nissel
RPR and Notary Public

SCHREIBER REPORTING SERVICE
P.O. Box 997
St. Marys, PA 15857
(814) 834-5337

A P P E A R A N C E S:

DAVID J. HOPKINS, Esquire
appeared on behalf of Plaintiff Sharp

R. EDWARD FERRARO, Esquire, and
GREGORY M. KRUK, Esquire
appeared on behalf of Defendant Eazor

EUGENE C. SUNDBERG, JR., Esquire
appeared on behalf of Plaintiff Eazor

LOUIS C. SCHMITT, JR., Esquire
appeared on behalf of Defendant Sharp

INDEX OF WITNESS, **GUY A. BATTESTILLI**

DIRECT	CROSS	REDIRECT	RECROSS
4(Ferraro)	33(Hopkins)	55(Ferraro)	60(Hopkins)
	45(Schmitt)	61(Ferraro)	61(Schmitt)
	47(Sundberg)		
	53(Schmitt)		

INDEX OF EXHIBITS

DESCRIPTION	MARKED
1. Police Crash Reporting Form	13
2. Photograph	36
3. Photograph	37
4. Photograph	38

MR. HOPKINS: Let's put it on the record that all objections, except as to form of question, are reserved until the time of trial. I mean, that's what we're, I assume, all operating under. Let's just put it on the record for all the witnesses today.

GUY A. BATTESTILLI, called as a witness, was sworn and testified as follows:

DIRECT EXAMINATION

BY MR. FERRARO:

Q. Trooper, my name is Ed Ferraro, and I'm the attorney for the estate of Dick Eazor along with Greg Kruk and Gene Sundberg. I'm going to ask you some questions today, and if there's something I ask you that you don't understand, please tell me. Would you?

A. Yes.

Q. And I'll assume that any response that you give, you understand the question and you're giving an answer to the question that I ask. But if there's any doubt at all, please ask me to explain further.

A. Okay.

Q. Would you state your name and address for the record, please?

A. Trooper Guy A. Battestilli, currently assigned to the -- member of the Pennsylvania State Police out of the Punxsutawney Barracks.

Q. How old are you, Trooper?

A. Thirty-eight.

Q. How long have you been in the Pennsylvania State Police?

A. Thirteen years.

Q. And prior to that you had police experience in municipal law enforcement?

A. Yes. I had three years as a borough policeman in the Borough of Punxsutawney, and prior to that I had three years as a military policeman in the United States Army.

Q. And during the past 13 years that you've been a Pennsylvania State Police officer, have you been active that entire 13 years?

A. Yes. I've been in the patrol unit the entire 13 years.

Q. No injuries, not off for any period of time with illness or anything like that?

A. No.

Q. All right. Your background. Did you graduate from high school?

A. Yes.

Q. And what education do you have beyond that?

A. Just some college.

Q. And where did you go to college?

A. I was in the service, in the military in Germany.

I took some courses while I was over there.

Q. How long were you in the military?

A. Three years.

Q. Which branch?

A. United States Army. I was a military policeman.

Q. Directing your attention to the date of October 6, 2002, do you remember that evening or morning?

A. Yes.

Q. Were you on patrol at that time?

A. Yes. I was working the 11:00 to 7:00 p.m. shift with Trooper Lorelli.

Q. And did you receive a call that there was an incident that occurred?

A. Yes. We received a call about a traffic accident on State Route 949 in Heath Township.

Q. Okay. And if I understand, Route 949 is in the Punxsy district? Is that what you call it?

A. Our patrol area.

Q. And did you respond to that car accident?

A. Yes, I did.

Q. And were there other state troopers that responded as well?

A. Just myself and Trooper Lorelli.

Q. Did you learn that the persons involved left that area and went out to Longwell Road outside of Brockway?

A. Yeah. We received one -- a -- a couple calls prior to our arrival at the scene that they had left the scene, and then we were told that one of the individuals died as a result of that.

Q. So you got the call that there was a collision within your area.

A. Yes.

Q. And before you could get to the area, you got word that they had gone to a place within the DuBois area.

A. Yes.

Q. Did you go directly to the place where the collision occurred?

A. Yes.

Q. So when you got there and nobody was there --

A. Other than the fire department that was there at the scene.

Q. Okay. When you arrived at the scene, who was there? Just the fire company?

A. The fire company at that point.

Q. All right. And which fire company? Do you recall?

A. I believe Sigel.

Q. Sigel?

A. Yes.

Q. One truck? Two trucks? If you remember.

A. They show up in their own cars, and there's several

vehicles that were there at the scene, a couple trucks. I'm not even sure how many were there.

Q. And what did you do?

A. Started to get information at the scene as far as what had occurred and to try to find out any information I could get as how many people were involved and where they all went. We were relaying radio information with our station to DuBois and trying to get them to -- what information they had because there was really a lot of confusion prior to us arriving there. Usually when you have a fatal, there's somebody at the scene when you get there. In this case everybody left prior to that, so --

Q. Well, when you got the first call, you didn't know it was a fatal, did you?

A. No, just a one-vehicle accident. And we were initially told I believe there was one person -- somebody was at the scene and somebody else had left the scene, so we -- really a lot of confusion as far as what was going on at that point.

Q. Is it true then, your first involvement in the entire matter was out at the scene of the collision?

A. Yes.

Q. You and Trooper Lorelli arrived?

A. Right.

Q. And you began talking with firemen or whoever else

was there.

A. Yeah.

Q. You did not have an opportunity then to talk to the occupants of the car that was in the collision.

A. No.

Q. And were you informed at that time that there was another car that came and took the injured people away from the scene?

A. Yeah. We were told that they got a ride. And a short time later the -- Mr. Cox and Barraclough -- I'm not sure how to --

Q. Barraclough?

A. Barraclough? They came back to the scene, and we interviewed them at that point.

Q. Did you stay at the scene at all times?

A. Yes.

Q. You never went to the scene and went to the Palmer property which is where the injured parties went?

A. No.

Q. How was it that the two individuals, Mr. Cox and Mrs. Barraclough, came back? I mean, why did they come back?

A. I think they said the DuBois troopers told them to come back to the scene, but I'm not sure on that.

Q. Did you request them to come back to the scene, if

you remember?

A. No. I didn't request them -- I don't believe I requested them to come back. I think I just told them to come back. In fact, I wasn't really sure what was going on at that point still yet.

Q. You are the investigating officer on this incident, are you not?

A. Yes.

Q. And as far as Trooper Lorelli -- and I notice his name throughout part of the report -- he was assisting you?

A. Yes.

Q. And was he with you most of the time that you -- this investigation was taking place?

A. Yeah. I -- yeah, get the measurements and things like that. Once the two witnesses came back, I did a quick interview of them as far as what they had saw and what had occurred. And Trooper Lorelli took them back to our patrol car, had them sit down and write out written statements.

Q. So their statements were done that evening right there at the scene when they had returned to the scene.

A. Yes.

Q. When they come back, did they come back in their car, if you remember?

A. I believe. I'm not even sure, just the car they drove that night or not.

Q. You don't recall whether somebody brought them back or whether they -- the two of them just came back in their own car?

A. They came back in a car. I don't know whether it was their car or the same car or what the case was. Those two came back together.

Q. You never got a chance to go to the hospital to talk to Lynn Sharp, did you?

A. No.

Q. And you never had a chance to talk to Rick Eazor, did you?

A. No.

Q. Your investigation -- we understand that the whole basis of your investigation then is what you saw out there at the scene.

A. Primarily, yes.

Q. It's not from talking to any of the witnesses that evening?

A. Well, other than Cox and --

Q. When they came back.

A. -- Barraclough, yeah.

Q. Were you aware, when you were making out your report that evening, that Lynn Sharp had given a statement

to Trooper Schrecengost -- strike that. Were you aware that Lynn Sharp had stated that she was driving the vehicle?

A. I talked to Trooper Ball when I arrived back on station and caught up to the DuBois Station, and he said they were unable to do an actual interview of them, but that she had said about making statements that she was driving. I wasn't sure if it was to him or to the -- who she made the statements to, but he told me he'd send a supplemental report after that.

Q. So Trooper Ball had indicated to you that he heard her say that she was driving?

A. He said she made statements. I'm not sure if he -- I don't recall if she said it actually to him because he said he couldn't actually go in and interview her because of her being treated for her injuries.

Q. We were just interested in knowing whether, when he relayed this information to you, whether he said, "I heard her say this" or Trooper Schrecengost that was with him? Do you recall the background on that?

A. No. I don't recall. He said she had made statements. Like I said, I'm not sure she exactly said it to him or if she said it to medical personnel or to the ambulance personnel. I'm not sure that way.

Q. So you were aware then that evening or the next

morning, while you were doing that investigation, that she had made a statement that she was driving.

A. Allegedly, yeah.

Q. Well, not allegedly.

A. Well, I wasn't there, so I didn't talk to the people, but --

Q. But I mean, you received from a reliable source that she made the statement.

A. Right.

Q. I show you -- we'll designate this as Exhibit No. 1 then if we're going to put one. I show you what's being marked as Exhibit No. 1.

(Police Crash Reporting Form marked **Battestilli Exhibit No. 1.**)

(Off-the-record discussion.)

BY MR. FERRARO:

Q. I show you what's been marked as Exhibit No. 1, Trooper, and ask you if you can identify what it is.

A. That's our Police Crash Reporting Form.

Q. In looking at this document, can you tell me how many pages there are to it? Off the record.

A. You're counting twenty and plus the attachments?

Q. Yes.

A. Twenty pages and then the attachments.

Q. And on -- thank you. And on the back of Page 20 --

my copy doesn't have it.

MR. KRUK: Yeah. Cindy didn't copy the back.

BY MR. FERRARO:

Q. On the back of Page 20 -- I show you Page 20.

A. Yes.

Q. Is there a marking or identification on the back of Page 20?

A. Yes.

Q. And what is that?

A. "As authorized, the following is a certified copy of the requested report. Commissioner of the Pennsylvania State Police, Jeffrey B. Miller."

Q. And would that indicate to you then that this is the official report that is -- that you filed and what was filed in Harrisburg?

A. Yes.

Q. Would you tell us, please, in making this report, were you assisted by anybody in making this? Trooper Lorelli or anybody else?

A. No. I did the report myself.

Q. Looking at Page 1, did you do that on October 6?

A. Yes.

Q. I ask you to turn, please, to Page 3.

A. (Witness complies.)

Q. Do you see under vehicle driver, the question

about -- I can't read the wording -- driver's physical condition?

A. Right.

Q. And you have marked in there, "Had been drinking."

A. Right.

Q. Where did you get that information?

A. Mr. Cox and Barraclough stated that he had been -- he advised them at the scene that he had been drinking earlier during the evening.

Q. All right. And so that information would have come from them.

A. Right.

MR. SCHMITT: Just to make clear, when you identified driver had been drinking, you were referring to Mr. Eazor?

THE WITNESS: Mr. Eazor, yes.

BY MR. FERRARO:

Q. Go to the next page if you would, please, Page 4.

A. (Witness complies.) Okay.

Q. And I note that you have Richard Eazor down. When you go across the numbers there under D, you have him down as 01 which would indicate driver?

A. Yes.

Q. And then down below you have his name there, Richard A. Eazor?

A. Right.

Q. And what's it say after that?

A. "Same as driver."

Q. Would that indicate then somebody else was driving?

A. That means for the address portion, same as the driver. It's listed on Page 1. It's referring back to the Page 1.

Q. Same as driver, okay. So you're saying that would refer back to Page 1. It doesn't mean the same as somebody else?

A. No. It means just -- instead of writing out the full address again, it's already referred to on the original page.

Q. And you don't put "See Page 1" or something like that.

A. Well, this was a new report, and it was kind of -- didn't want -- they have a checkmark now, when you just mark same as driver, that you're not writing all the same information in again.

Q. Would you turn please to Page 8?

A. (Witness complies.) Okay.

Q. In looking at Page 8, would much of this information be from what you got from the two witnesses, Cox and Barraclough? In other words, Unit 1 was traveling north, came to a right-hand curve, was going too fast to

negotiate a curve. Was that your opinions or was that from --

A. That would be my opinion as far as the accident itself.

Q. Then you have "Operator 1 applied his brakes." Is it your opinion that he was driving?

A. Yes.

MR. HOPKINS: Point of clarification, he is Mr. Eazor?

THE WITNESS: Mr. Eazor.

BY MR. FERRARO:

Q. Yeah. Let's back up one step. Did you determine how many people were in the vehicle?

A. Well, what I was told was two occupants of the vehicle.

Q. And one was Rick Eazor?

A. Yes.

Q. And the other was Lynn Sharp?

A. Lynn Sharp.

Q. Okay. So when we refer to him or her, then we'll be referring to just those two. There was nobody else that you've been made aware of was in the vehicle at the time.

A. That's correct.

Q. Okay. The next paragraph, both occupants were

transported by witnesses to the home of the -- Barraclough's parents. That information you got from those two witnesses?

A. Yes.

Q. And then the next paragraph that says, "Cox and Barraclough were interviewed at the scene." Is that correct?

A. Yes.

Q. And then they stated, "We were out driving and we came up to this car. The man was out walking around."

A. Yes.

Q. Did you have a chance to look at the vehicle to see whether one or both of the doors were open or closed?

A. I think both doors were open when we arrived at the scene.

Q. Which would indicate then, with the doors being open, that wherever the occupants were sitting, they must have gotten out of the vehicle. Is that right?

A. Yes.

Q. Then it says, "He said that the girl was driving." They told you that at the scene. Is that correct?

A. That's what Mr. Eazor had supposedly told them.

Q. Okay, and that she swerved to miss a deer.

A. Yes.

Q. When the witnesses were giving you this statement,

did they appear to know what they were talking about?

A. They seemed reliable, yeah. They were -- yeah.

Q. And the fact that these witnesses were relaying to you what they had heard, did you have any reason to feel that they weren't telling the truth, these witnesses weren't telling the truth?

A. No.

Q. Did you feel at that point that Mr. Eazor wasn't telling the truth?

A. Yes, I did.

Q. What led you to believe that at that point?

A. Well, interviewing them, there was a severe damage to the steering column of the car where it was -- the post was pushed, bent. The wheel all the way around was bent forward, and there was a large impact on the windshield where a hole -- approximately ten-inch-diameter hole where you could see a head had gone out through the windshield. (Indicating.)

While talking to them, I asked them about Mr. Eazor and Ms. Sharp, and they informed me that Mr. Eazor had shorter brown hair and that Lynn Sharp had long blond hair. While checking the windshield, there were several short brown hairs stuck in the glass of the hole in the windshield.

I was also told about Lynn Sharp having a severe

ankle injury and that she had been bleeding, and there was a large pool of blood on the passenger floor of the car and was also -- they told me when they first arrived there, she was sitting with her feet outside the passenger door and that she was laying back into the car. And there was a lot of blood around the passenger side of the car at that point. There was no blood on the floor or anywhere in the driver's side of the car or rear of the side of the car.

Q. That's what I wanted to ask you very plainly now so we don't misunderstand. You looked in the car, and you said you saw blood on the passenger side on the floor.

A. Yes.

Q. Are you telling me you looked very closely at the driver's side, and there was no blood on the floor?

A. That's correct.

Q. Okay. And then this impact that you were talking about with the windshield, it was -- it resulted in a hole in the windshield that a head or something hit the windshield very hard? (Indicating.)

A. Yes. There was -- it was knocked completely out. There was an actual hole about ten inches in diameter. (Indicating.)

Q. So that the person that hit that windshield would have to have some marks on their head, would they not?

A. I would think.

MR. SCHMITT: Object to the form of the question. I think you're asking for a medical conclusion.

BY MR. FERRARO:

Q. Well, no. I want to know from you, Trooper, that -- you said you saw a hole in the windshield, and you saw some hair in the windshield.

A. Yes.

Q. Is that right?

A. Right.

Q. And in your opinion, the person that hit it had to go through that windshield.

A. Yes.

MR. SCHMITT: I'm sorry. Again, I object to the form of the question. I don't think there's any testimony or basis that any person went through the windshield.

BY MR. FERRARO:

Q. Did you ask either of these witnesses as to what the nature of the injuries were of either Mr. Eazor or Ms. Sharp?

A. I wrote in the statement that Mr. -- they both had injuries to their head. They said they both had markings on their head. And in the written statements they stated that the -- Mr. Eazor was bleeding out of his nose and mouth. I'm not sure which of the individuals wrote that

in their statement. Mr. Cox. "There was blood coming out of his nose and his lips."

Q. Which would indicate that he had injuries to his nose.

MR. SCHMITT: Again, I want to object to the form of the question. I don't think asking the trooper for a medical conclusion -- there's -- a lot of people have reasons why people can be bleeding from the nose other than an injury to the nose.

BY MR. FERRARO:

Q. Okay. What was the reason you are stating that he was bleeding from his nose and his lips? Because they told you that?

A. Yeah.

Q. Before you reached your conclusion as to who was driving, did you check with Officer Schrecengost or Officer Bell?

A. Ball.

Q. Ball, to see if any statements had been made?

A. Well, just what I told you when I called in the morning; that they made statements that they had heard that she said -- whatever, how that came down, but that she had made statements that she had been driving.

Q. And that was from Officer Ball.

A. Yes.

Q. You don't recall ever having any discussion with Officer Schrecengost before reaching your conclusions.

A. No. I never talked to him.

Q. Okay. Did you follow through to see what color of hair that Lynn Sharp has?

A. Not beyond what the witnesses had told me, no.

Q. Before you reached your conclusion on who was driving, did you do any check to see what color her natural hair is?

A. Only just what I asked them, that she had long blond hair, which wasn't consistent with what was in the windshield.

Q. Okay. The witnesses in their statement on Page 8, it says that the -- that Mr. Eazor said that the girl had been up walking around, and then she sat down where she was?

A. Yes.

Q. Did you conclude that for her to get up walking around that she got out of the passenger side rather than the driver's side?

A. I don't believe she was up walking around anywhere at the scene personally, from what I was told at -- the medical personnel, her injuries, that she would have been unable to walk at that point.

Q. You don't believe that.

A. I don't believe that she was out walking out of the car, no.

Q. So the fact that these witnesses gave you information that Mr. Eazor had said that she had been up walking around, you didn't believe that either?

A. No.

Q. And did you form this conclusion that Mr. Eazor wasn't telling the truth that evening?

A. Oh yeah.

Q. And did you come to the same conclusion that he wasn't telling the truth as to who was driving that evening?

A. Oh yeah. That's --

Q. And that was without talking to Lynn Sharp?

A. Right.

Q. The brown hair that you say was found in the windshield, did you take a sample of it?

A. No. I didn't take any samples of it.

Q. Was there a reason why you didn't?

A. Well, there was -- from what we had, the information there, the Operator No. 1 was the deceased, and there weren't going to be any charges filed as a result of it, or we wouldn't have R&I come out if --

Q. But you wouldn't know that at the time that you're out at the scene.

A. Well, I felt -- aside from what information I had with talking to my witnesses and seeing the physical evidence there, I felt sure that Mr. Eazor had been driving the car.

Q. And you noticed there was a hole in the windshield that allegedly had some brown hair in it. Right?

A. Right.

Q. But you didn't feel that it was necessary to take a sample of that brown hair to determine positively whose hair it might be?

A. No.

Q. And did you give a reason why you said that, I mean, why you felt that way? Because you didn't know he was deceased at that time.

A. Well, I knew he was deceased at that time.

Q. How did you learn of that?

A. Through the radio, that was -- well, I stated when I first -- when we were driving at the scene, we found out one person was deceased. And while we were there, I found out that Mr. Eazor was the deceased.

Q. Okay. Do you recall what time you arrived there?

A. 0500, 5:00 in the morning.

Q. Would you look in your report, please, to see what time it was that the doctor pronounced Mr. Eazor as becoming deceased?

A. 510 hours, from Trooper Schrecengost's supplemental report.

Q. Is that on Page 12?

A. Yes.

Q. I guess I'm missing that. Can you show me?

A. (Witness complies.) 510 hours.

Q. Okay. He's saying they were -- he was already deceased when they arrived at 5:10?

A. Yeah.

Q. What time did you say you arrived at the scene?

A. 5:00 o'clock.

Q. Did you ever go to the Palmer residence anytime after the initial investigation to talk with any witnesses there?

A. No.

Q. Was there a reason why you didn't?

A. We sent the car from DuBois to go up there to handle the interviews and that investigation up there.

Q. Okay. Would your reason be then that it was out of your investigation area?

A. Yeah.

Q. You're the head investigating officer, and as you're putting this all together, did you feel it was important to talk to anybody out there or have somebody talk to anybody at the Palmer residence as to what

occurred since the people were taken there?

A. Not really as far as the accident investigation. The main persons I needed to talk to would have been Cox and Barraclough.

Q. Did you determine whether it might be important to see whether Lynn Sharp may have said something to anybody out at the Palmer residence after she had been taken there?

A. Well, that's part of what DuBois was sent up for, I mean, to talk to everybody. So we had no information at all to start with when their car was sent up there.

Q. Oh. What you're telling me is, in the normal course of investigation, DuBois would take care of that?

A. Yeah.

Q. I just want to know if there was a reason why you didn't go out yourself as the investigating officer. But you would rely on what DuBois would say on that, so --

A. Right.

Q. Okay. When you filed your report, does this say what day you sent your report in to Harrisburg? We know you investigated on October 6, and it was a continuing investigation, but can you tell me when this --

A. Right. The initial one was signed by Corporal Mullen-Park on the 10th -- or 9th of October, and the chief approved it.

Q. Does that mean that's when it gets actually filed?
A. Filed through, yes, at that point.
Q. And then with the later ones here, is there other dates from when you did supplemental work at all? On Page 11 on Trooper Schrecengost, the approval by his -- Corporal Somebody there was on the 21st. Would that mean that's when they filed that?
A. Yes.
Q. And what is your procedure as far as how reports get filed and where they go?
A. One copy gets -- stays on station as a station copy, and the other one gets forwarded to the Department of Transportation.
Q. And does one go to the state police headquarters in Harrisburg, or does it just go to the Department of Transportation?
A. No, just the Department of Transportation.
Q. Okay. On Page 13 of the report, it states there that this was approved on October 27th.
A. Right.
Q. That would be three weeks later.
A. Right.
Q. And apparently the next page, 14, is why this was submitted, it says "The statement forms from both witnesses will be attached."

A. Yes. We have attachment files with -- photographs and things like that are attached through a separate file. And I was under the impression that the statement forms went in the attachment file, and they were instead supposed to be attached to the actual report. Different reports are different. Some of our witness/suspect statements now are placed into evidence, and there's just a different procedure. And I wasn't aware of -- we had a change on that.

Q. There's 21 days difference, three weeks difference. Is that the reason why there's a delay of three weeks, in that being --

A. Yeah. They were placed into the attachment file, and one of the supervisors realized they shouldn't have been there and should have been attached to the report. And so I took them out of the attachment file and attached them to the supplemental and filed with the report.

Q. Okay. Up on Page 15, this is by Investigator Gregory Kunselman, that was filed on November 5?

A. Okay.

Q. Okay? And apparently this has "The PennDOT copy of the --" is that victim? Is that the word? Victim or witness?

A. "Victim/witness statement forms."

Q. Why was this filed if you attached a statement of

both witnesses on October 27? Is there something different about the two reports?

A. What I -- I'm not sure. From what I guess from this would be that the -- I don't know if that other copy wouldn't be attached to the -- wouldn't be forwarded to the PennDOT copy? I'm not really sure. That's what I'm guessing, is that maybe a copy of the -- yeah. The statement forms wouldn't go with the actual report to PennDOT. I'm not sure.

Q. Okay. Let's back up a step. Turn back to Page 13 if you would, please. This was your report that you discovered three weeks later was in the wrong file, so you said, "We better send this on to PennDOT." Is that right?

A. Right.

Q. All right. And that was on the 27th that you did this, and it was reviewed by Corporal Medsger. Right?

A. Right.

Q. A week later, eight days later, the same thing occurs by a Corporal Kunselman. Right?

A. Right.

Q. And approved by Alan Pifer. Do you know why it looks to be a duplication of the same thing, I guess is what I'm getting at?

A. I'm not sure what that -- why that's -- has to do with the same forms, but I don't know why the PennDOT copy

would be attached to that. I'm not sure what the procedure is on this -- additional pages.

Q. Okay. Then for some reason, if you go to Page 17, please, you filed a report on -- is that December 6th?

A. Yes.

Q. That was reviewed by Corporal Kunselman that said the case is still open.

A. Right.

Q. And that's as of the day before, which is December 5th. Was there something that come up that -- the reason why this supplemental report was filed at that time?

A. Yeah. When we're assigned to an incident, they generate what's called an incident memo, and they give you times when you turn a report in, how long you have to supplement that report just to keep -- make sure you're following up on your investigations; it's not getting stagnant or stale, sitting. And I have to do something after certain -- like 90 days they may -- an assignment report saying you have to supplement your report or do something, take action on your report within 90 days. So that's just showing that my report's not -- I'm waiting for something. It's not just that we forgot it about it or left it in the drawer or something or whatever to that effect. If you -- do you understand what I mean?

Q. Yes. I understand. I just want to know what

occurred that activated some action on this if the investigation had been completed.

A. Yeah. I'm going to get a slip that says I'm overdue on my report -- I'll get something on my report saying that -- okay. I don't know how to word this better so I'm not confusing anybody.

Q. Take your time.

A. Okay. When we have an incident open, an investigation open or pending, we're assigned a slip that says we have to -- 90 days or six months to take action on that report. If coming up to that due date nothing was done, we have to do a supplemental saying why it wasn't done, whether it's pending court or pending -- like in this case the coroner's report wasn't back yet; that there's something that you're waiting for in your investigation that you can close it out or take further action on your report.

Q. Okay. Now, on Page 19 of the report, this happened on January 11 of '03. Right? Was that opened because -- your note there about the coroner's report was just received?

A. Yes.

Q. So again, in order to keep your records current, when you received that, then you would have gone ahead and filed that report.

A. Right.

Q. Is there anything else that you recall, any other supplemental reports or thing like this that may have occurred since then?

A. No.

Q. Have you done any other investigations since then?

A. No.

Q. Have you gone out and inspected the car at all since the time it was out there at the scene of the collision?

A. No.

Q. Is it a fair statement then that you made your conclusion as to who was driving right out there at the scene that night without any further -- in your opinion without any further need for investigation?

A. Primarily, yeah.

MR. FERRARO: Nothing further. Thank you.

CROSS EXAMINATION

BY MR. HOPKINS:

Q. Trooper, my name is David Hopkins, and I represent Lynn Sharp as a plaintiff in the case that was filed in Clearfield County. Would you just run me through again what time you showed up at the scene of the accident, how, you know, you showed up at the scene of the accident, and approximately how long you were out there?

A. From Page 1 of the accident report they have the dispatch time and arrival time listed, arrived at 0500. That would be consistent with our logs that they maintain on our station for -- our activity logs.

Q. Okay. So you showed up at 5:00 a.m.?

A. Right.

Q. I assume it's dark at that time?

A. Yeah.

Q. And does it note anywhere what time you left the accident scene?

A. No, not on this it wouldn't. Our logs in our incident memo at the station would have that.

Q. Okay. What other documents do you have in your file, or what other documents did you compile other than this police accident report?

A. Just be the coroner's report which is in the attachment file.

Q. Did you take any photographs?

A. No. We didn't have R&I come out. There were no photographs.

Q. Who is R&I. What is R&I?

A. Our records and identification unit. They process crime scenes for fingerprints, photographs or whatever -- collect whatever evidence.

Q. And I assume you would call them out whenever you

thought there was some dispute or criminal charges or something that were -- would be pending as a result of a fatal motor vehicle accident?

A. Yes.

Q. And the fact that you didn't call them out was because you thought this case was -- this was clear in your mind who the driver of the vehicle was?

A. Yes.

Q. Do you have a recollection as to how long you were at the scene of the accident?

A. We were there quite a while until the -- we had to wait for a tow truck to remove the car, so it was probably 9:00, 9:30, I think. I'm not exactly sure. It was well after the end of my shift, a couple hours.

Q. So when you showed up there, it's dark.

A. Right.

Q. And by the time you leave, it's the -- you know, the brightness of morning and all of that, and you've had an opportunity to view the car in the daylight and to get a good look at everything. Correct?

A. Right.

Q. Now, on I think the last page of your police report you say that the occupants were not wearing seat belts. How did you determine that?

A. From the injuries and from the fact that they went

into the windshield and the dash, the injuries that they were -- the witnesses say they had to the face and that and just -- they weren't restrained. They all -- they both went forward, and you could see where they had impacted the dash and the steering column.

Q. Okay. And again, just so I'm clear on this, on the driver's side you found short brown hair in the windshield. Correct?

A. In around the hole in the windshield on the glass, yeah. (Indicating.)

Q. And did you find blond hair in the passenger side windshield anywhere?

A. No.

Q. I'm just going to show you --

Why don't we just mark this I guess Exhibit 2.

(Photograph marked **Battestilli Exhibit No. 2.**)

BY MR. HOPKINS:

Q. Trooper, I'm going to show you what is marked as Exhibit 2, and would you take a look at that photograph?

A. Yes.

Q. I'm going to represent to you that that's a photograph that I took of the vehicle in this case. And to the best of your knowledge, does that look like the vehicle as you saw it on October 6, 2002?

A. Yes.

Q. And you referred there to -- well, what does that photograph show us?

A. The front windshield of the vehicle.

Q. Okay. And you referred to a hole, and that's on the passenger side. Correct?

A. No, the driver's side.

Q. On the driver's side. I'm sorry. On the driver's side. And that was the only hole in the windshield.

A. Right.

Q. And where that hole is located, is that where you found the short brown hair?

A. Yes, in the perimeter of the hole there.

Q. Let me show you this other photograph.

Let's mark it Exhibit 3.

(Photograph marked **Battestilli Exhibit No. 3.**)

BY MR. HOPKINS:

Q. And I'm going to represent to you that that's a close-up photograph of the hole in the windshield of the -- of this white motor vehicle. Can you just again show us or point out on that photograph where you found those brown hairs?

A. Just in the jagged edge around the perimeter of the hole. (Indicating.)

Q. Okay. Did you find any long hair in or about the edge of that hole?

A. No.

Q. And when you say short brown hair, what do you mean by short brown hair? Like --

A. Like most of us have here, just -- maybe a little bit longer than mine, but not -- (Indicating.)

Q. Does that all mean like less than half of an inch long?

A. Approximately, yeah.

Q. And you found no blond hair whatsoever?

A. No.

Q. And I'll show you a photograph that we're going to mark as Exhibit 4.

(Photograph marked **Battestilli Exhibit No. 4.**)

BY MR. HOPKINS:

Q. And I'm going to represent to you that this another photograph of the -- actually the Sharp motor vehicle. And that photograph, that Exhibit 4, is a photograph of the steering column in the motor vehicle. Is that correct?

A. Yes.

Q. Now, you referred to some damage to that steering column, and can you describe exactly what that damage was and if that photograph shows it?

A. Yeah. The wheel itself on both sides around had been bent forward and down, and I -- from what I recall, I

believe the column itself was bent up some. But you really can't see from the photograph here, but you can see the steering wheel itself where it's bent around. (Indicating.)

Q. And why was that relevant in your determination of who the driver of this motor vehicle was?

A. The driver of the vehicle would sustain pretty severe injuries to his interior organs and chest area because of the severe impact. It takes quite a bit to bend the steering wheel like that.

Q. How do you know the driver of the vehicle didn't bend it with his hands straightforward?

A. Well, that's part of it too, also, they can do that, but -- pretty severe impact all the way around to be able to do it with just his hands, I would think.

Q. Okay. Did you ever see Mr. Eazor at any time in your investigation?

A. No.

Q. So you never -- even after his death, you never saw him?

A. No.

Q. Tell us what techniques you used to determine where the blood was in this motcr vehicle?

A. Just looking at it, I could see the pool of blood laying on the passenger floor and outside the passenger

doorway there.

Q. Okay. I mean, did you touch it, run it in your hand to be sure it was blood?

A. No. I don't stick my hands in blood. Too many things are being passed around these days. I try to avoid that if at all possible.

Q. Do you make an investigation of the -- did you make a conscientious investigation of the driver's side area to determine whether there was blood in that section of the vehicle?

A. Yes. And after Mr. Cox and Barraclough -- Mrs. Barraclough came back, they told me about her -- the statement that they -- Mr. Eazor allegedly made to them about her walking around, I made sure I walked around again and looked. And there was no blood anywhere to be found on the driver's side or to the rear of the vehicle or anywhere they would have walked to get to the other side of the car.

Q. Okay. And what was the area around the motor vehicle?

A. Dirt, a wooded area, tree limbs and brush, leaves.

Q. Okay. You did that of course under the light of day to make that determination?

A. Well, the light of the vehicles. The firemen have -- they put their flcodlights out, and so you could

see pretty good at that point. And once it became daylight, you could still see it.

Q. Did Trooper Ball -- when did he tell you that Ms. Sharp had allegedly said that she was the driver of the motor vehicle? Or let me -- if it wasn't Trooper Ball, then Trooper Schrecengost.

A. No. It was Trooper Ball. I was just trying to think. I may have misspoken earlier. I'm not sure if I did talk to Mr. Ball that morning or that night when I came back in again because it was late when I got back to the station. It was probably 10:00 o'clock or 10:30 till we made it back to the station. And I believe he was working 11:00 to 7:00 also, so I'm not sure if he was around that morning. It was that morning or that night when I came back in at 11:00 o'clock. I'm not sure.

Q. Did you know that Mr. Eazor did not have a driver's license at the time of the collision?

A. Yeah. I found out later on. We ran his -- to get his driver's information.

Q. And when would you have run that?

A. I'm not sure when our dispatcher would have done that, if he did it during the night -- probably during the evening while we were still out at the accident scene, once we got names and -- from the medical personnel who was involved.

Q. And what would they tell you about whether he had a license or didn't have a license?

A. It would show the status on it being if it's a valid license or if it's suspended or anything, the classes of the license and that.

Q. It would come up as he had a license; it was suspended. And would it tell you why it was suspended?

A. Only if it was DUI related, it would say on there. Other than that, it would just be suspended.

Q. And you determined that it was DUI suspended. Correct?

A. I believe that's what it was.

Q. And I'm sorry. Somebody might have asked you this before, but did you know Mr. Eazor in any way prior to this incident?

A. No, never met him.

Q. As we sit here today, are you still -- do you still believe that Mr. Eazor was the driver of that motor vehicle?

A. Yes.

MR. SUNDBERG: Object to the form of the question. You can answer.

MR. FERRARO: Yeah. I'll object to the form also.

BY MR. HOPKINS:

Q. And tell us on -- why you base your opinion on

that, why that is your opinion.

A. Like I said, with the severe damage to the steering column and the -- where the driver went out through the windshield, it would be consistent with the type of injuries that he had ended up having that he died from; the brown hair in the windshield; also the inconsistency of what he supposedly told the witnesses about her walking around, there was obviously no indication she was out anyplace other than the passenger seat of that vehicle; and finding out later on that she even was -- had severe ankle injuries, that there's no way she could have walked around the scene with those injuries.

Q. Did Cox or Barraclough tell you how they were -- how they transported Lynn Sharp in their vehicle?

A. They said they carried her into the car, carried her over into their car.

Q. Did they describe to you what they -- how they carried her?

A. No. They just said that they carried her into the car, didn't say exactly how they carried her.

Q. I'm sorry. Trooper, how long have you been a member of the Pennsylvania State Police?

A. Thirteen years.

Q. And in that time, what if any traffic investigative courses have you taken?

A. The accident scene management course is the basic accident investigation course.

Q. Okay. Any other courses?

A. No. That's all.

Q. How many fatal automobile accidents have you investigated?

A. Approximately 14, 15, maybe more? I'm not sure exactly numbers. I don't really keep stats on that.

Q. Are you -- when there's a fatality, are you the person that the -- that's dispatched to the scene of an accident?

A. Well, being a patrol officer, we're the primary for most calls that dispatch, whatever incident that comes in.

Q. Let me ask you this. If there was -- if you were out on patrol and somebody who graduated from the state police academy the month before, who would get called to that scene once it was determined that there was a fatality?

A. I'm not sure I get what you mean.

Q. Would you, because of your experience, be -- automatically be referred to an automobile fatality scene?

A. No. Whoever is the zone officer for that area would be assigned to it.

Q. And you were the zone officer for that area?

A. We were the only car out, so that was -- pretty

much covers it.

Q. Big zone that night, huh?

A. Yes.

MR. HOPKINS: That's all I have. Thank you.

CROSS EXAMINATION

BY MR. SCHMITT:

Q. Trooper Battestilli, my name is Louis Schmitt, and I represent Lynn Sharp in a lawsuit that's been filed against her in the Court of Common Pleas of Jefferson County, Pennsylvania. You mentioned earlier that you actually stayed at the scene of the accident beyond when your shift would have normally ended?

A. Right.

Q. When would your shift have normally ended that morning?

A. 7:00 o'clock.

Q. So you stayed two to two and a half hours beyond the end of your shift at the accident scene?

A. Right.

Q. Was there some reason for that that you didn't just leave at 7:00 when your shift ended?

A. Well, something like that, you're going to stay till everything's cleaned up and your scene's taken care of. And our tow truck got lost, so we stayed a lot longer waiting for him to get there.

Q. The blood that you found inside the car at the scene of the accident, you mentioned you had found blood on the passenger side of the vehicle.

A. Right.

Q. You didn't find any on the driver's side.

A. No.

Q. Where was the blood that you found on the passenger side of the vehicle?

A. On the floorboard.

Q. Was there any on the seat?

A. I don't recall any on the seat. There was a seat -- and on the base of the door, like where your frame there at the -- would be the bottom of the door, and outside the vehicle on the ground.

Q. Did you find any up on the windshield on the passenger side?

A. I don't recall any -- seeing any there, no.

Q. Do you recall seeing any blood in the area of the dash on the passenger side?

A. I don't recall any, no.

Q. Would it be correct to say that the blood that you recall seeing inside the car on the passenger side would have been down in the lower portion of the car, the floorboard, or the passenger side door bottom?

A. Right.

Q. In that area?
A. Yes.
Q. You mentioned you had also found some blood outside the vehicle?
A. Yes.
Q. Where was that located?
A. Right next to the passenger door outside on the ground there.
Q. Adjacent to it?
A. Adjacent to it, yeah.
Q. Can you describe for me the amount of blood that there was on the floorboards, the bottom of the passenger side door?
A. There was quite a bit.
Q. And how about outside the car?
A. There was a lot there also.
Q. Would the amount of blood that you observed have indicated to you that the person was bleeding fairly profusely?
A. Yeah.

MR. SCHMITT: Thank you. That's all I have.

CROSS EXAMINATION

BY MR. SUNDBERG:

Q. Trooper, my name is Gene Sundberg. I represent the Eazor estate with regard to the personal injury action

that Lynn Sharp has filed. Let's talk about the damage that was sustained to the front of the vehicle. And I -- in your police report, Page 7, is your diagram. And it appears as though it's the left front corner of the car that struck the tree. Is that correct?

A. Right.

Q. Let's talk about the damage, if any, that was to the right side of the passenger -- or the passenger side of the vehicle. Can you give me an overview as to what damage was sustained on the passenger side in the front?

A. On the outside of the front bumper and that area?

Q. Yeah. Please. We'll start there.

A. Mostly just the impact from the tree on the left center of the vehicle which caused the buckling of the bumper and the hood, grill, that area.

Q. So if we're looking at the vehicle and just on the exterior at this point, you were able to determine that the point of impact would be left of center. Is that correct?

A. Yeah.

Q. Okay. The interior damage, we've talked about the windshield in front of the steering wheel. What damage if any was sustained to the windshield on the passenger side?

A. Well, the spider webs that you can see from the photographs on there; I think the dash was also cracked

also.

Q. And then again that's on the passenger side?

A. On the passenger side.

Q. Let's talk about the -- let's talk about the floorboard area on the driver's side. Was there movement or crushing in of the vehicle into the floorboard area on the driver's side?

A. I don't recall, nothing severe, nothing where it was really impacted into the space anywhere. I'm not -- recall if there was some buckling up there -- I'm not -- I really wasn't too concerned with that. I'm more concerned with the point of impact for the vehicles for my investigation.

Q. Here's what I'm talking about. We're all familiar with the crash safety test that you see on -- that you see on TV and -- did you note or as part of your investigation try to determine whether there was any impingement of the vehicle into that floorboard area on the driver's side?

A. No.

Q. Okay. What about the passenger side? Did you notice whether there was any crushing or impingement of the vehicle into the passenger side floorboard area?

A. The passenger side was pretty much intact.

Q. All right. The fact that there was obvious impact with the dashboard, the steering wheel and the steering

column and also the windshield itself led you to believe that neither the driver nor the passenger were wearing seat belts. Is that correct?

A. Right.

Q. Trooper, as you sit here today, are you able to tell me what ankle or leg was broken of Lynn Sharp?

A. No, sir. I don't know.

Q. In preparing and finalizing your report, do you remember any direct conversations or meetings with Trooper Schrecengost?

A. No. I didn't talk to him, no.

Q. You spoke with Trooper Ball.

A. Right.

Q. And he conveyed the information that they obtained with regard to the statements that Lynn had made that she was driving. Is that correct?

A. Right.

Q. Okay. You had been asked some questions regarding Page 4 where you put down there Richard Eazor. And it appears as though where the address would go, you put down "Same as driver." What was your understanding as to where Richard Eazor was living at the time of this accident, and where would that be noted? You referred to Page 1.

A. Oh. That's -- this report is just --

Q. These are new reports in --

A. Well, this is the old report they got rid of, thank God, because the information is scattered all over the place.

Q. Were you talking about Page 3?

A. That would be the page.

Q. All right.

A. I believe that was the only notice we had off the driver's information.

Q. During your earlier questioning you talked about your understanding that both occupants of the vehicle had suffered head and facial injuries. Is that correct?

A. Yeah.

Q. At the time that you were at the scene, did you know the extent of either -- injuries suffered by either of those occupants with regard to the head and the face?

A. Just from what -- the statements the witnesses made, yeah. That was some bleeding and some marks on both of them.

Q. On both of those?

A. Yeah.

Q. The witnesses who came upon the scene would have informed you that, when they arrived, that Lynn was in the passenger seat and lying down with her feet out.

A. Yeah, lying back toward the console, would be --

Q. And that information is consistent with what your

findings were with regard to the blood. Is that correct?

A. Yes.

Q. What information did the witnesses give to you that indicated that the injuries to Lynn resulted in her leg bleeding? You said -- did they give you any information that led you to believe that her leg was bleeding?

A. Oh yeah, yes.

Q. And how was that and where is that, I guess, in your report? I guess I'm trying to find that.

MR. SCHMITT: Object to the form of the question. I think it was a compound question. The first was, what information were you given or how was that; and second one was, where is that in the report?

BY MR. SUNDBERG:

Q. And if you can walk us through both of those questions, that would be great.

A. They told me at the scene that she had injuries to her leg or she was laying back and they carried her to the car. I don't have it mentioned in the report there anywhere.

Q. So your understanding was that she had a broken leg. Whether it was right or left, but she had a broken leg.

A. Injured ankle.

Q. Ankle. And they carried her to their car and

transported her to a relative's house. Is that correct?

A. Yeah.

Q. And then going through the written statements from Cox and also Barraclough, it seems to indicate that in both Cox and Barraclough's statement that Mr. Eazor is the one who's bleeding from his nose and mouth.

A. Right.

Q. After this report is totally done and filed with -- along with all the supplements, at any point in time did you speak with Lynn Sharp?

A. No.

Q. Even to this day you have never spoken to her. Is that correct?

A. That's correct.

Q. As part of your investigation, did you speak with anyone involved in the medical treatment of Lynn Sharp, whether it be ambulance personnel or people at the emergency room?

A. No.

MR. SUNDBERG: Okay. Trooper, that's all I have. Thank you.

CROSS EXAMINATION

BY MR. SCHMITT:

Q. Just a couple more questions, Trooper. The blood at the scene of the accident that you had spoken about

before, you had mentioned was on the lower part of the passenger side and there was some outside the passenger side door.

A. Yeah.

Q. Did you find any blood trails at the scene as if someone had been walking from the passenger side away from the passenger side and had been bleeding?

A. There was some out toward the roadway like from -- consistent with them taking her to their car, not as much out there. There was more where she was -- primarily where you could see the person had been staying in one spot, there was a large pool of blood. But like I said, nothing else anywhere else. We did search that.

Q. And the blood trail that you found, can you describe the configuration of that trail for me, how it led away from the passenger side?

A. Not really, just it was toward the roadway out from the -- directly out from the car toward the roadway.

Q. Directly from the passenger side straight toward the roadway?

A. That direction, yeah, is the only place any blood was found.

Q. Was there any blood found -- that trail, did it in any way, the configuration of it, go back toward the driver's side of the car at all?

A. No. There was nothing else. Everything was from the passenger door to the roadway out. That was the extent of it.

Q. Was there ever any indication by any of the witnesses that, when they spoke to Mr. Eazor and his nose was bleeding, he was actually inside the car? Or was it your understanding he was outside the car?

A. He was outside walking around.

MR. SCHMITT: That's all I have.

REDIRECT EXAMINATION

BY MR. FERRARO:

Q. I have a couple questions. Trooper, on Exhibit 3, this is the picture showing the windshield itself and the hole.

A. Right.

Q. Looking at this picture with the -- with the top of the picture being 12:00 o'clock, can you tell me where the hair was that you say was in or around the hole there?

A. I didn't specifically note where. There was several hairs, three or four, around the top and bottom, different sides, but I didn't mark the exact positions of them, but around --

Q. When you say at the top, would it be around 12:00 o'clock?

A. Around 12:00 o'clock and then 6:00 o'clock. I

don't recall how many --

Q. But you said top and bottom?

A. Yeah.

Q. Was there any on the sides, which would be 3:00 o'clock and 9:00 o'clock, that you recall?

A. I don't recall exactly. They were on opposite sides of each other on the hole, but exactly which positions and -- I couldn't say.

Q. Did you preserve any of the hair?

A. No.

Q. Who else saw these hairs that you're talking about besides yourself?

A. Trooper Lorelli.

Q. Okay. And do you know if the firemen noticed that? Did any of them bring it to your attention?

A. No.

Q. Do you know if Trooper Lorelli gathered any of those hairs for inspection or analysis purposes?

A. No. He didn't take any.

Q. He did not?

A. He did not.

Q. Okay. Were any blood samples taken of the blood in the car?

A. No.

Q. None on the passenger side.

A. That's correct.

Q. And none on the driver's side.

A. Right.

Q. If Mr. Eazor is stating that she was driving and walked around the car and then sat down on the passenger side, you found blood outside the car, did you not?

A. Right.

Q. Would this not be consistent with somebody that was sitting there and bleeding, regards to whether or not they were driving? Would that be consistent?

A. Right.

Q. Were you able to determine at all what Lynn Sharp's injuries were before you reached your conclusion as to who was driving?

A. Just the fact that she had ankle injuries or --

Q. Yes. They said something about an ankle injury. You didn't know how bad it was, did you?

A. No.

Q. Were you able to determine whether or not she could get up and walk around the car or things like this before you reached your conclusion?

A. I don't recall if we got -- I got any further information at the scene as to how severe. I know, when I talked to Trooper Ball, he said it was pretty severe at that point, but I -- right then I'm not -- don't recall.

Q. At that point though you didn't know whether it was a sprain, a cut, laceration, whatever. You wouldn't know that. You didn't see it. Did you?

A. No, just from the amount of blood, it was a pretty severe injury. And from the -- what -- the statements of the witnesses that they carried her to their car, I came to the conclusion that she was unable to walk herself.

Q. But at that point you wouldn't have known who that came from.

A. Right.

Q. So it would have come from Mr. Eazor, as far as you knew, at that time?

A. Right.

Q. In Exhibit No. 4 you were explaining to us about the steering wheel.

A. Right.

Q. And how it was bent and items of this nature. Was there a reason for that? Does it relate to injuries or something?

A. Well, he had severe injuries to his chest and internal organs that would be consistent with the impact of the steering column, steering wheel.

Q. But you didn't know that that night when you were looking at it, did you?

A. That --

Q. That he had injuries to his chest and everything. You didn't -- you didn't see him, and you weren't able to know what his injuries were.

A. Not the extent of his injuries, no.

Q. So you reached your conclusion on the assumption that, because that wheel was bent, he was driving even though you didn't know his chest injuries.

MR. SCHMITT: Object to the form of the question. I just want to be clear. I think he's testified about the hair, the blood. There were a lot of factors I think that went into it.

MR. FERRARO: But I'm asking him about the steering wheel.

MR. SCHMITT: I understand, but your question was, you reached it based on that.

MR. FERRARO: Sure. He gave five or six reasons. I understand that.

But one of the items you considered was the steering wheel was bad.

THE WITNESS: Yes.

BY MR. FERRARO:

Q. And you reached the conclusion it was Mr. Eazor who bent that steering wheel, while he was driving, with the impact. Is that right?

A. Right.

Q. Without ever having gotten a report as to what his injuries were at that time.

A. Other than the fact that he was deceased.

Q. He was deceased. You didn't know what he was deceased from, did you?

A. No.

Q. Thank you. And the last question is, no samples of anything were preserved or taken. Right?

A. No.

MR. FERRARO: Thank you. I have nothing further.

RECROSS EXAMINATION

BY MR. HOPKINS:

Q. Trooper, didn't you have a conversation with Trooper Ball about the extent of Mr. Eazor's injuries and the type of injuries that he suffered?

A. I don't recall what I actually talked to him about, if he said anything or not. You mean that night or the next night or --

Q. Yes.

A. I don't recall what exactly.

Q. Okay. As a result of whatever you saw of the accident scene on October 6, after you compiled all of your documents, you still came to -- all of the evidence that you were able to accumulate, you still came to the conclusion, didn't you, that Mr. Eazor was the driver of

this motor vehicle.

A. Yes.

MR. HOPKINS: That's all I have.

RECROSS EXAMINATION

BY MR. SCHMITT:

Q. Just one question. After you reached your preliminary conclusion that Mr. Eazor was the driver of the vehicle, other than the statement that you had heard allegedly made by Ms. Sharp that had been relayed to you, have you ever come across any evidence since that time that Ms. Sharp was driving the vehicle?

A. No.

FURTHER REDIRECT EXAMINATION

BY MR. FERRARO:

Q. My last question is, the reason you never came across anything is, you finished your investigation, didn't you, at that time?

A. At that time, yes.

MR. FERRARO: Thank you. That's all.

MR. KRUK: Can we all agree to put on the record of each deposition a stipulation that there -- all objections except as to the form of the question are preserved?

MR. SCHMITT: Sure.

MR. FERRARO: Right. I think Dave may have said that.

MR. HOPKINS: We agreed.

We'll attach the police report and those photographs to the Trooper's deposition.

MR. KRUK: Can we go off the record?

(Off-the-record discussion.)

(The deposition was concluded at 12:55 p.m.)

* * *

CERTIFICATE OF COURT REPORTER

I, Elizabeth Schreiber Nissel, a notary public in and for the Commonwealth of Pennsylvania, do hereby certify that the witness, **GUY A. BATTESTILLI**, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that the foregoing deposition was taken at the time and place stated herein; and that the proceedings are contained fully and accurately, to the best of my ability, in the notes taken by me on the deposition of the above petition and that it is a correct transcript of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 29th day of August, 2003.

Elizabeth Schreiber Nissel,
RPR and Notary Public

NOTARIAL SEAL
Elizabeth S. Nissel, Notary Public
City of St. Marys, County of Elk
My Commission Expires Dec. 07, 2004

REPORT OF
JOHN C. LYONS, M.D.

ANALYTIC BIOMEDICAL ENGINEERING

John C. Lyons, MD, FACS, MSME

October 21, 2004

Gregory M. Kruk, Esq.
690 Main Street
Brockway, PA 15824

RE: Eazor v. Sharp

Dear Attorney Kruk:

I have reviewed the following material regarding Eazor v. Sharp:

1. Commonwealth of Pennsylvania Police Crash Report
2. Photographs of the 1989 Chevrolet Corsica
3. Depositions from the following:
   - Mark A. Schrecengost
   - Guy A. Battestilli
   - Tammy Stansell
   - Lynn A. Sharp
   - Candace A. Eazor
   - Robert J. Ball
   - Rebecca Louise Barraclough
   - William Joseph Cox
   - Samuel Luke Crossley
4. Medical records for Richard Eazor from the following:
   - Brockway Area Ambulance/DuBois EMS
   - DuBois Regional Medical Center
   - Autopsy Report and Photographs
   - Coroner's Field Report
   - Toxicology Report
5. Medical records for Lynn Sharp from the following:
   - Brockway Area Ambulance/DuBois EMS
   - DuBois Regional Medical Center
   - Allegheny General Hospital
   - Radiology reports and films
6. Lance E. Robson, PE/Lisa Ferrara Report

Additionally, I examined the Chevrolet Corsica which was involved in the motor vehicle accident of 10/6/02.

2152 South Shore Drive, Erie, PA 16505
(814) 455-2170 • FAX (814) 455-9119

Environmental Data

Commonwealth of Pennsylvania Police Crash Report:
According to the police report, the accident occurred on 10/6/02 at 3:40 AM. The Sharp vehicle was traveling too fast to negotiate a right hand curve, skidded, and struck a tree. Mr. Eazor was listed as the driver, Lynn Sharp as a passenger, although from the witness statements, Mr. Eazor reported that Ms. Sharp was the driver.

Photographs and Repair Estimate for the 1989 Chevrolet Corsica:
Black and white photographs were received and examined. No repair estimate is available.

Accident Reconstruction:
Accident reconstruction is limited to the diagram and narrative of the Police Crash Report.

Medical Data – Richard Eazor

Brockway Area Ambulance/Dubois EMS:
There were two ambulance records for review, one from Brockway Area Ambulance, and another from DuBois EMS. The Brockway record was brief; the DuBois EMS record was more detailed.

The DuBois physical exam record of Mr. Eazor noted copious coffee ground emesis. There was no obvious trauma noted of the head, but the bottom jaw was thought fractured. The skin was cold and cyanotic. The patient was apneic, pulseless and unresponsive. A contusion was noted on the lower chest/upper abdomen "that appeared to have been caused by the bottom of the steering wheel. It was a semi-circular line that curved upward." The sternum reflected a "redness" and EMT CPR compressions were considered "mushy." The abdomen was distended, firm and mottled. There was no apparent trauma to the legs.

The patient was unresponsive to CPR and transported to DuBois Regional Medical Center.

DuBois Regional Medical Center ER:
The DuBois Regional Medical Center records were limited. The patient was listed as DOA (p.1 of 7). A chest contusion was diagramed on page 3 of the ER record. The certificate for anatomical donation (donation not performed) listed the cause of death as multiple chest trauma.

Autopsy Report:
The autopsy was performed by Harold R. Cottle, MD on 10/7/02 from 8:05 to 8:50 AM. Pertinent findings included:

1. "Three, faint, red, contusive marks in a pattern of concentric arches over the lower mid-chest anteriorly and abrasions over the anterolateral aspect of the left upper arm and the left elbow posteriorly" (p. 2).

2. "Subcutaneous hematomas of some size are present over the anterolateral chest on the right and the anterolateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein" (p. 2 & 3).

3. No sign of head injury:
    a. Grey-brown hair of ordinary male length (p. 3).
    b. A slight abrasion over the bridge of the nose (p. 3).
    c. "The throat and mouth are of ordinary appearance..." (p. 3).
    d. Teeth were in a good state of repair (p. 3).
    e. Face was unremarkable (p. 3).
    f. "The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise" (p. 7).

4. The neck was "of ordinary appearance and not remarkable. The larynx and hyoid bone and their immediately associated soft tissues, are intact, lie in the midline and show no evidence of local trauma" (p. 4).

5. The chest revealed:
    a. Fractures of the right ribs 1-10 in the anterior to mid-axillary lines (p. 4).
    b. Fractures of the left ribs 1-10 in the anterior axillary line (p. 4).
    c. A sternal fracture at the junction of the manubrium and body (p. 4).
    d. The lungs revealed multi-focal congestion and hemorrhage (p. 5).

6. There were no fractures of:
    a. The skull (p. 4).
    b. The neck (p. 4).
    c. The upper extremities (p. 4).
    d. The lower extremities (p. 4).

7. The liver revealed superficial lacerations of the anterior right lobe (p. 5).

8. The brain was not removed for examination (p. 7).

From the autopsy report, there was no finding for a jaw fracture. The autopsy diagnosis was "Crushing Chest Injury" (p. 1).

Autopsy Photographs:
Concussive marks over the lower mid-chest anteriorly were described in the autopsy as a pattern of concentric arches (three, faint, red). The color photographs that have been advanced reveal faint slightly curvilinear lesions that grossly match the ventilation surface of the passenger compartment dash. They do not match to the geometry of the steering wheel or its surface texture.

Medical Data – Lynn Sharp

Brockway Area Ambulance/DuBois EMS:
According to the BLS and ALS reports, Ms. Sharp's principal complaint was respiratory difficulty (Brockway, DuBois p. 1). Additional complaints included low back pain and jaw pain (Brockway p. 1). The patient was also found to have a compound fracture of the right ankle, with deformity of the right leg. She had progressive bruising to the bilateral chest area. "There was negative head trauma noted at this time. Pt did not have any battle signs or other bleeding about the head." (DuBois p. 2)

The patient stated that she was the driver. (DuBois p. 2)

DuBois Regional Medical Center ER:
According to the emergency room records, the chief complaints included chest pain, lower back pain and abdominal pain. An open fracture of the right ankle was observed. Abrasion over the upper chest was noted by nursing (p. 5 of 7). Bruising of the left chest wall was noted and diagramed on the physician record. A left sided pneumothorax was treated by chest tube placement. Clinical impressions included contusion to the face and chest, pneumothorax, open fracture right ankle, laceration right knee. The patient was then transferred to the trauma team for further management.

Allegheny General Hospital:
According to the Trauma History and Physical, the patient arrived at Allegheny on 10/6/02 at 7:20 AM. Some of the records are difficult to read either because of the writing or the lightness of the copy. The body schematic on the comprehensive physical was noteworthy for the right leg injuries. The diagram did not identify lesions elsewhere. The initial injuries of concern included a left frontal hemorrhage, right occipital contusion, grade III splenic laceration, open ankle fracture and a tibial plateau fracture (trauma center flow sheet). With admission and workup, the orthopedic injuries of a right tibial plateau fracture, right ankle dislocation and left mid-foot fracture dislocation all required operative intervention. The pneumothorax cleared with a chest tube. Arteriography

revealed no operative lesion of the abdomen. This was also true of the intracranial pathology, where no operative intervention was required.

Some notations did record lesser lesions. The nursing note of 10/6/02 at 7:21 AM recorded left breast ecchymosis. The orthopedic consult of 10/6/02 described a large abrasion directly overlying the right tibial tubercle, as well as an abrasion over the mid shin and a large laceration about the ankle. The left foot revealed Lisfranc joint edema. There was also dorsal hand edema on the left. The operative note of 10/6/02 described the right ankle lesion as a long diagonal laceration over the anterior lateral aspect of the joint, without visible foreign bodies in the wound. Most of the other records, however, focused to the more serious injuries with limited comment to any superficial lesions.

DuBois Regional Medical Center Rehab Admission:
The patient was transferred from Allegheny General to DuBois Regional Medical Center for in-patient rehab on 10/24/02. The historical trauma injuries included:

1. Tension pneumothorax
2. Hemoperitoneum
3. Splenic laceration
4. Traumatic brain injury
5. Multiple bilateral lower extremity fractures
6. Rib fractures
7. Multiple lacerations
8. Pseudomonas pneumonia
9. DVT
10. Left frontal intracranial hemorrhage
11. Right occipital brain contusion
12. Status post ORIF right tibia, fibula, and ankle
13. Status post ORIF left Lisfranc injury
14. Multiple lacerations and ecchymotic areas

At the time of admission the patient had a staring expression, described on physical examination as a "head injury stare." Cognitive function was diminished.

The patient was admitted for rehab and, according to the discharge summary, she demonstrated various areas of improvement.

Radiology:
Chest x-ray, dated 10/6/02 (0612), revealed a minimal left-sided pneumothorax. Post chest tube insertion film (0750) revealed right mid and lower lung pulmonary contusions. Various follow-up films revealed bilateral opacities.

Brain CT scan, dated 10/6/02, revealed intracranial hemorrhage in the left frontal region. Follow-up CT revealed possible parenchymal hemorrhage in the right cerebellar region (10/7/02); blood in the posterior cistern (10/8/02); soft tissue swelling of the left parietal scalp (10/8/02), and an MRI of 10/11/02 suggested a potential left posterolateral temporal lobe infarct.

CT of the cervical spine revealed no vertebral fractures, but non-displaced fractures of the left posterior first through third ribs were identified. (These were not reported on the chest films.)

Left hand and wrist films, dated 10/6/02, were negative.

Left foot film, dated 10/6/02, revealed a fracture of the medial cuneiform.

Right knee films, dated 10/6/02, revealed a severely comminuted fracture of the proximal right tibia and lateral tibial plateau. A fibular head and fibular shaft fracture were also noted.

Right ankle films, dated 10/6/02, revealed a non-displaced fracture of the mid shaft of the fibula and a comminuted fracture of the distal fibula.

CT of the right lower extremity, dated 10/6/02, confirmed a severely comminuted proximal tibial fracture.

The abdominal CT, dated 10/6/02, identified hemoperitoneum; rule out splenic lacerations.

Additional Data

Lance E. Robson, PE/Lisa A. Ferrara Report 2/2/04:
Noted.

John C. Lyons, MD Vehicle Inspection 8/4/04:
I personally examined the Sharp vehicle on 8/4/04.

Depositions

Deposition of Mark A. Schrecengost:
Noted.

Deposition of Guy A. Battestilli
Noted.

Deposition of Tammy Stansell:
Noted.

Deposition of Lynn A. Sharp:
Noted.

Deposition of Candace A. Eazor:
Noted.

Deposition of Robert J. Ball:
Noted.

Deposition of Rebecca Louise Barraclough:
Noted.

Deposition of William Joseph Cox
Noted.

Deposition of Samuel Luke Crossley:
Noted.

Impression

With a reasonable degree of medical engineering certainty, Lynn Sharp was the driver in the motor vehicle accident of 10/6/02.

Witness Data:
According to the EMS Field Record (85706932, p. 2), Lynn Sharp identified herself as the driver. The DuBois emergency room record notes that Lynn Sharp "states she was driving car" (p. 5 of 7). This fact was confirmed by Officer Schrecengost (MAS deposition p.8). Mr. Eazor reported to Ms. Barraclough that Lynn Sharp was the driver (RLB deposition p. 9). This statement was confirmed by Mr. Cox (WJC deposition p. 18). The Pennsylvania Police Crash Report identifies Richard Eazor as the driver, despite the reported statements to the contrary by both Mr. Eazor and Lynn Sharp. In consideration of the available environmental and medical data, with a reasonable degree of medical and biomedical engineering certainty, Lynn Sharp was correct in her statement that she was the driver and that Richard Eazor was the passenger.

Environmental and Medical Data:
The windshield damage indicates that the driver impacted the glass more aggressively than the passenger. The passenger's glass is starred, but the driver's glass is shattered with an irregular seven-inch diameter penetration. A severe head injury and laceration of the scalp may not have occurred for the passenger, but with a reasonable degree of scientific certainty, a more severe head injury, including possible laceration, might be expected for the driver. According to the autopsy report, the minutely examined scalp and skull of Mr. Eazor revealed no evidence of trauma, and the autopsy photographs appear to confirm this impression. As of this writing, Lynn Sharp's acute-care physical exam records are limited as to potential scalp lesions, but the 10/8/02 head CT scan reveals notable soft tissue swelling of the left parietal scalp and substantial intracranial injury. Of the two patient records, the head injuries of Ms. Sharp are most consistent with the windshield damage on the driver's side. The absence of head injury for Mr. Eazor is most consistent with the windshield findings on the passenger side. Further, the placement of Mr. Eazor as the driver raises an inconsistency between head injury and windshield damage. On the basis of the two head injuries and the windshield damage, Lynn Sharp was the driver.

With regard to chest injuries, both occupants were at risk when unrestrained. Both the driver and occupant compartments reflect forward occupant impact, which might correlate with various chest injuries, but Mr. Eazor's injuries do not match as well to the steering wheel impression damage – the rib lesions are more linear and extensile. Lynn Sharp's more centrally diagramed chest injury matches reasonably to the steering wheel/column damage. The passenger dash lends itself to a more uniform impression pattern, fitting better to Mr. Eazor's pattern. (An alternate mechanism for Mr. Eazor's manubrium and rib fractures includes resuscitation efforts.) Considering the dash geometries, with a reasonable degree of biomedical engineering certainty, Lynn Sharp's chest injuries were due to steering wheel/column impact, whereas Mr. Eazor's chest injuries are more consistent with impact to the passenger dash versus resuscitation trauma. Further, Mr. Eazor's skin lesions grossly match to the passenger side dash ventilation geometry, and are inconsistent with the texture and geometry of the steering wheel, removing him from the driver's compartment.

With regard to the lower extremity injuries, Ms. Sharp's injuries most reasonably match Lynn Sharp to the driver's position. Foot and ankle injuries are not uncommonly encountered with emergency braking in front-end collisions. Given the smaller brake pedal size, double foot panic braking seems unlikely, but her foot and ankle injuries could occur with this mechanism. The floor pan and lower dash distortions of this compartment, do match to a potential brace and brake response resulting in the observed knee, leg, ankle and foot fracture pattern. More specifically, the left Lisfranc and right

ankle fractures match best to the driver's floor pan and brake geometry, not the more benign passenger compartment deformity. The right knee fracture and abrasions (J.H., MD consult 10/6/02) best match to the observed right-sided driver dash crush. The passenger compartment does not offer this correlating geometry. The passenger floor reveals more limited distortion. The passenger side dash impressions – faint for the right knee, slight but more definitive for the left knee – correlate best with limited knee injury. Lynn Sharp's lower extremity injuries pattern most reasonably for the driver's position, and Mr. Eazor's uninjured lower extremity findings pattern best for the passenger compartment.

When the car was examined, effort was made to identify potential tissue specimens that might assist in driver identification. The police crash report (p. 9) noted short brown hair stuck to the windshield on the driver's side, although Officer Battestilli recalled seeing no blood in the driver's compartment on the night of the injury (p. 20). Unfortunately, hair was not apparent when I expected the vehicle on 8/4/04. Further, given the windshield defect, water has pooled on the dash and floor, and mold and other small vegetations were noted throughout the front seats, compromising the identification of any potential human tissue. Still, specimen swabs could be obtained for analysis if desired, but the reliability of the result at this date is of some concern. Biomechanically, this effort appears unnecessary given the interior damage and patient injuries.

From a review of the available data, with a reasonable degree of scientific certainty, Lynn Sharp was the driver of the Chevrolet Corsica on 10/6/02.

Sincerely,

John C. Lyons, MD, FACS, MSME

JCL/meh
Dictated but not read

AUTOPSY DIAGNOSES

HAROLD R. COTTLE, M.D., F.C.A.P., F.A.S.C.P.
LABORATORY MEDICINE AND FORENSIC PATHOLOGY
25 SYLVAN DRIVE
HOLLIDAYSBURG, PA 16648-2718

NO. CFCA02-15

AUTOPSY REPORT FOR Clearfield County Coroner

DECEASED'S NAME Richard A. EAZOR

S.S. 184-52-5367 DATE OF BIRTH 06/29/59 AGE 43 SEX M

TIME AND DATE OF DEATH Sunday, October 06, 2002, pronounced 6:02 AM

AUTOPSY DIAGNOSES

1. Crushing Chest Injury.
   A) Fractured ribs I through X bilaterally and sternum
   B) Superficial lacerations of right lobe of liver

Harold R. Cottle M.D.
Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

AUTOPSY WAS PERFORMED AT THE MORGUE OF THE Bon Secours-Holy Family ~~FUNERAL HOME~~ HOSPITAL Altoona, PA ON Monday October 07, 2002 FROM 8:05 AM/~~PM~~ TO 8:50 AM/~~PM~~ BY HAROLD R. COTTLE, MD, FORENSIC PATHOLOGIST. ASST. W. Swanger

WITNESSES NONE

1/00

GROSS DESCRIPTION

EXTERNAL EXAMINATION

The body is that of a well-developed, well-nourished, muscular middle-aged, white male, has not been previously embalmed or prepared for burial or viewing in any respect and when first seen in the morgue of the Bon Secours-Holy Family Hospital, Altoona, PA., is clad only in a pair of gray, "jockey"-type briefs, blue denim jeans, white, cotton, mid-calf sock and black work boot on the right foot with matching items from the left side inside the body bag but no longer on the foot. The body is 69 inches (175 cm) long with estimated weight of 220 lbs. There is a wallet with papers, key holder with 6-8 keys, $29.00 in bills and Visa and Mastercard credit cards with a business card in the name of the deceased as Chevrolet-Pontiac dealer from Brockway, PA. There are also cards in the wallet of adult Parole Officers in Jefferson County and Clearfield County. The outer aspect of the body includes three, faint, red, contusive marks in a pattern of concentric arches over the lower mid-chest anteriorly and abrasions over the anterolateral aspect of the left upper arm and the left elbow posteriorly. Intravenous marks from attempts at needle insertion are noted in both antecubital areas and the anterior left wrist area. A plastic identification band is present around the left wrist. A small, old vaccination scar is present over the left deltoid region. Three, small, white, EKG patches and two, large, oblong ones are present attached to the chest wall. No other external features of note are seen externally, although subcutaneous hematomas of

some size are present over the antero-lateral chest on the right and the antero-lateral chest on the left involving subcutaneous fatty tissue with compression type contusions therein.

The head is normocephalic with no significant externally visible deformity or sign of injury and is covered with gray-brown hair of ordinary male length and arrangement. A small goatee is present at the tip of the chin and a narrow mustache on the upper lip. The face is otherwise clean shaven elsewhere. The head, as mentioned above, is normocephalic. The eyes are brown with round, regular, equal, 5 mm pupils. The ears are of ordinary appearance and are not pierced. The nose shows slight abrasion over the bridge. The throat and mouth are of ordinary appearance and symmetrical to external examination. The natural teeth are present and in a good state of repair. The hands are not remarkable; the fingernails cut very short but not apparently bitten. The chest cavity exhibits palpable fracture of most ribs in anterior axillary line and will be described in greater detail after chest opening. The face is not itself remarkable. The panniculus adiposus is 3.5 cm thick and anteriorly bloody over the chest. There is marked livor in the posterior superior regions of the trunk. The neck shows no crepitus or abnormal mobility of the head upon the cervical spine. The normal male breasts, abdomen, back and extremities are generally symmetrical and not remarkable other than as described. A moderate degree of post-mortem rigor remains.

NECK

The soft tissues of the neck, including the thyroid are normally located, of ordinary appearance and not remarkable. The larynx and hyoid bone and their immediately associated soft tissues, are intact, lie in the midline and show no evidence of local trauma.

CHEST

The skin, bloody subcutaneous tissue, well-developed musculature and much fractured rib cage are symmetrical and not otherwise remarkable. The pleural cavities contain blood bilaterally. The pericardial cavity is intact. The mediastinal soft tissues, include a moderate amount of ecchymotic hemorrhage. The 5 gram, fatty, atrophic thymus is present in the usual site. Detailed examination of the rib cage, shows fracture of right ribs 1-10 in the anterior to mid-axillary lines and of left rib 1-10 in the anterior axillary line. The sternum is fractured at the junction of its manubrium and body. There are no apparent fractures of the lower extremities or the upper extremity, neck and skull. Blood is present to the extent of an estimated 500 cc in the right chest and 200 cc in the left chest.

HEART

425 grams (estimated weight). The smooth, glistening, intact pericardial sac, epicardium and endocardial lining are not remarkable. The myocardium is uniformly firm and reddish brown. The valve leaflets, great vessels, interventricular and interatrial septa are intact, normally arranged and show no direct, intrinsic abnormality. The cardiac

dimensions are within normal limits. The coronary arteries show an ordinary pattern of arrangement and a moderate degree of atheromatosis with no serious narrowing or other gross abnormality.

LUNGS

Right 500 grams, Left 450 grams (estimated weights). These show a moderate degree of multi-focal congestion and hemorrhage with no other significant abnormality to be seen. The tracheobronchial tree is not remarkable. The pulmonary artery and its major branches are normally arranged and a few of the branches are associated with pleural lacerations which are the apparent source of the blood in the pleural cavities.

DIAPHRAGM

This is intact, lies at the usual levels and is not grossly remarkable.

AORTA

This and its principal branches are normally arranged and not grossly remarkable.

ABDOMEN

The abdominal organs are, for the most part, normally arranged and related. The umbilicus is closed, fibrotic and not remarkable.

LIVER

1,500 grams (estimated weight). This exhibits superficial lacerations on the anterior aspect of the right lobe of the liver and

approximately 50 cc of blood in the upper peritoneal cavity is apparently derived therefrom.

GALLBLADDER

This is intact, lies in the usual location and is not grossly remarkable.

SPLEEN

190 grams. The splenic capsule is intact, smooth, glistening and not grossly remarkable. The enclosed pulp is also unremarkable.

PANCREAS

This is of ordinary size, shape, appearance, location and not remarkable.

GI TRACT

The esophagus, stomach with 200 ml of watery (non-bloody) fluid contained therein, the small bowel, colon and appendix are normally arranged and not remarkable. The mesentery is intact and not grossly remarkable.

ADRENALS

These are in the usual location and of ordinary appearance in all respects.

KIDNEYS

150 grams ea. (estimated weights). Intact capsules are easily stripped from smooth surfaced cortices of ordinary thickness, appearance and arrangement. Medullary pyramids, calices, pelves and ureters of usual dimension, arrangement and appearance are present bilaterally.

BLADDER

This is intact, contains 500 ml of watery, colorless urine and is not in any way traumatized or otherwise abnormal.

PROSTATE

This is of ordinary size, shape, normally located and not grossly remarkable. It is neither enlarged nor nodular.

TESTES

These are symmetrically arranged within the scrotum and are not grossly remarkable.

EXTERNAL GENITALIA

These are circumcised and of ordinary size, shape and appearance for a male of this age.

BRAIN

This is not removed for examination. The scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise.

HRC/wss
10/30/2002

FINAL CASE SUMMARY

This 43 year-old, male who seemed to have been involved in a motor vehicle collision was found conscious and on his feet by by-standards and very shortly thereafter unconscious and unresuscitatible by EMTs. Little information is available at time of Autopsy but the latter showed massive, crushing chest injury as the obvious, immediate cause of death in this case of physical injury.

Harold R. Cottle M.D.

Harold R. Cottle, M.D.
Forensic Pathologist

HRC/wss
10/30/2002

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	)	CIVIL DIVISION
	)	
Plaintiff	)	NO. 2002-1890-CD
	)	
v.	)	
	)	
CANDACE A. EAZOR, EXECUTRIX	)	
	)	
Defendant	)	

FILED 4cc GK
019:51 Sloan Atty
NOV 09 2007 Middleman
William A. Shaw
Prothonotary/Clerk of Courts

****

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	)	CIVIL ACTION
	)	
Plaintiff	)	NO. 48-2003-CD
	)	
v.	)	
	)	
LYNN A. SHARP,	)	
	)	
Defendant	)	

ORDER

AND NOW, this 8th day of November, 2007, upon consideration of the foregoing motion, it is hereby ordered that:

(1) a rule is issued upon the respondent to show cause why the moving party is not entitled to the relief requested;

(2) the respondent shall file an answer to the motion within DEC 10 days of this date;

(3) the motion shall be decided under Pa.R.C.P. 206.7;

(4) depositions and all other discovery shall be completed within ____ day of this date;

(5) an evidentiary hearing on disputed issues of material fact shall be held on ____, in the Clearfield County Courthouse, Clearfield, Pennsylvania, in Courtroom No. ____;

(6) argument shall be held on November 21, 2001 @ 10:30 A.M. in Courtroom No. 2 of the Clearfield County Courthouse; and

(7) notice of the entry of this order shall be provided to all parties by the moving party.

BY THE COURT,

Paul E Cherry

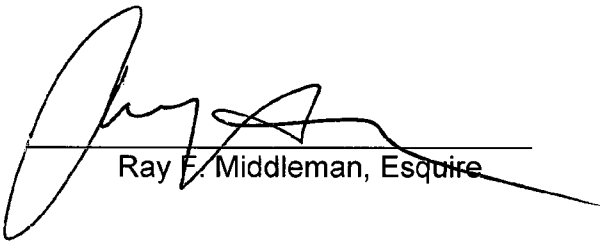
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion in Limine to Preclude the Testimony of State Trooper Guy Battestilli, and supporting brief, was served upon the following parties via first-class U.S. Mail on the 5th day of November, 2007:

The Honorable Paul E. Cherry
Clearfield County Judge's Chambers
230 East Market Street
Clearfield, PA 16830

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

David J. Hopkins, Esquire
Hopkins Heltzel LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801

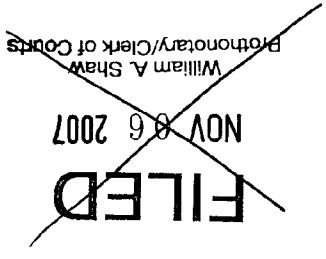


Ray F. Middleman, Esquire

FILED

NOV 09 2007

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP, Plaintiff	:	
V.	:	NO. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

ORDER

AND NOW, this 20th day of November, 2007, it is the ORDER of this Court that Argument on Motion in Limine scheduled for Wednesday, November 21, 2007 shall be and is hereby continued to Wednesday, November 28, 2007, beginning at 9:30 A.M. in Courtroom No.2 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

No further continuances shall be granted.

BY THE COURT,

PAUL E. CHERRY,
JUDGE

FILED
NOV 21 2007
0/8:45/mg
William A. Shaw
Prothonotary/Clerk of Courts
CERT TO HOPKINS
FERRARO
WM WEILER
RAY MUDDIMAN

DATE: 11-21-07

___ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to the following parties:

___ Plaintiff(s) X Plaintiff(s) Attorney ___ Other Mail

___ Defendant(s) X Defendant(s) Attorney 3

___ Special Instructions:

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NOV 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

LYNN A. SHARP,
Plaintiff

V.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

Consolidated Case No. 02-1890-CD

FILED
01/4:00/BH
NOV 29 2007
William A. Shaw
Prothonotary/Clerk of Courts

cc Attys: Hopkins
R. Ferraro
W. Weiler, Middleman and Middleman
11/30/07 Faxed to all Counsel

IN THE COURT OF COMMON PLEAS
OF JEFFERSON COUNTY, PENNSYLVANIA
CIVIL DIVISION

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

V.

LYNN A. SHARP

ORDER

AND NOW, this 29th day of November, 2007, following argument on the Motion in Limine to Preclude Testimony of State Trooper Guy Battestilli, filed on behalf of J. Richard Eazor, Administrator of the Estate of Richard A. Eazor, upon presentation of the issues before the Court, the receipt of briefs from both parties and upon consideration of same, it is the ORDER of this Court that said Motion shall be and is hereby DENIED.

BY THE COURT,

Paul E. Cherry

PAUL E. CHERRY,
JUDGE

FILED

NOV 29 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/29/07

____ You are responsible for serving all appropriate parties.

__X__ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) __X__ Plaintiff(s) Attorney ____ Other

____ Defendant(s) __X__ Defendant(s) Attorney

____ Special Instructions:

Prothonotary
PO Box 549
Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

Clearfield County Courthouse

Fax

To: David J. Hopkins, Esq.; R. Edward Ferraro, Esq.; William Weiler, Jr., Esq.; Ray F. Middleman, Esq.; Malone Middleman, Esq.

From: William A. Shaw

Fax: (814) 375-5035; (814) 265-8740; (724) 934-6866

Date: 11/9/07

Phone:

Pages: 2

Re: Lynn A. Sharp vs. Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

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Clearfield, PA 16830
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Clearfield County Courthouse

Fax

To: David J. Hopkins, Esq.; R. Edward Ferraro, Esq.; William Weller, Jr., Esq.; Ray F. Middleman, Esq.; Malone Middleman, Esq.

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Fax: (814) 375-5035; (814) 265-8740; (724) 934-6866

Date: 11/9/07

Phone:

Pages: 2

Re: Lynn A. Sharp vs. Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

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Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

Clearfield County Courthouse

Fax

To: David J. Hopkins, Esq.; R. Edward Ferraro, Esq.; William Weller, Jr., Esq.; Ray F. Middleman, Esq.; Malone Middleman, Esq.

From: William A. Shaw

Fax: (814) 375-5035; (814) 265-8740; (724) 934-6866

Date: 11/9/07

Phone:

Pages: 2

Re: Lynn A. Sharp vs. Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

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RESULT	OK

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Clearfield, PA 16830
Phone: 814-765-2641, Ext. 1330
Fax: 814-765-7659

Clearfield County Courthouse

Fax

To: David J. Hopkins, Esq.; R. Edward Ferraro, Esq.; William Weiler, Jr., Esq.; Ray F. Middleman, Esq.; Malone Middleman, Esq.

From: William A. Shaw

Fax: (814) 375-5036; (814) 265-8740; (724) 934-6866

Date: 11/9/07

Phone:

Pages: 2

Re: Lynn A. Sharp vs. Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

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•Comments:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

FILED
DEC 13 2007
019:55/w
William A. Shaw
Prothonotary/Clerk of Courts
3 cert to Atty
2 cert of disc to Atty,

LYNN A. SHARP,
Plaintiff

vs.

CANDACE A. EAZOR, Administrator
of the Estate of Richard A. Eazor,
Defendant

Consolidated Case No. 02-1890-C.D.

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix
of the Estate of Richard A. Eazor,
Plaintiff

vs.

LYNN A. SHARP,
Defendant

Type of Pleading: Praecipe to Discontinue

Filed on behalf of: Lynn A. Sharp

Counsel of Record for this party:

HOPKINS HELTZEL LLP

DAVID J. HOPKINS, ESQUIRE
Attorney at Law
Supreme Court No. 42519

LEA ANN HELTZEL, ESQUIRE
Attorney at Law
Supreme Court No. 83998

100 Meadow Lane, Suite 5
DuBois, Pennsylvania 15801

(814) 375-0300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP,	:	
Plaintiff	:	
	:	
vs.	:	Consolidated Case No. 02-1890-C.D.
	:	
CANDACE A. EAZOR, Administrator	:	
of the Estate of Richard A. Eazor,	:	
Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix	:
of the Estate of Richard A. Eazor,	:
Plaintiff	:
	:
vs.	:
	:
LYNN A. SHARP,	:
Defendant	:

PRAECIPE TO DISCONTINUE

TO THE PROTHONOTARY:

Kindly mark the above captioned civil action settled and discontinued.

HOPKINS HELTZEL LLP

BY: _____
David J. Hopkins, Esquire

MALONE MIDDLEMAN, PC

BY: _____
Ray F. Middleman

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Lynn A. Sharp

Vs. **No. 2002-01890-CD**

Candace A. Eazor
Richard Eazor, Estate
Richard J. Eazor

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 13, 2007, marked:

Settled and discontinued

Record costs in the sum of $85.00 have been paid in full by Hopkins and Heltzel.
Record costs in the sum of $45.00 have been paid in full by R. Edward Ferraro Esq

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 13th day of December A.D. 2007.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Consolidated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	Type of Pleading: Brief in Opposition to Motion in Limine to Preclude Testimony of State Police Trooper Guy Battestilli
vs.	:	
LYNN A. SHARP, Defendant	:	Filed on behalf of: Lynn A. Sharp
	:	Counsel of Record for this party:
	:	HOPKINS HELTZEL LLP
	:	DAVID J. HOPKINS, ESQUIRE Attorney at Law Supreme Court No. 42519
	:	LEA ANN HELTZEL, ESQUIRE Attorney at Law Supreme Court No. 83998
	:	100 Meadow Lane, Suite 5 DuBois, Pennsylvania 15801
	:	(814) 375-0300

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Consolidated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	
LYNN A. SHARP, Defendant	:	

BRIEF IN OPPOSITION TO MOTION IN LIMINE TO PRECLUDE TESTIMONY OF STATE POLICE TROOPER GUY BATTESTILLI

AND NOW, comes Lynn A. Sharp, by and through her attorneys, Hopkins Heltzel LLP, and files the within Brief in Opposition to Motion in Limine to Preclude Testimony of State Police Trooper Guy Battestilli and in support says as follows:

QUESTIONS PRESENTED BY EAZOR

I. DOES PSP TROOPER BATTESTILLI QUALIFY AS AN EXPERT.

Suggested Answer: Yes

II. DOES PSP TROOPER BATTESTILLI'S OPINION THAT EAZOR WAS THE DRIVER OF THE MOTOR VEHICLE LACK AN ADEQUATE FOUNDATION?

Suggested Answer: No

III. IS THERE SUFFICIENT FOUNDATION FOR TROOPER BATTESTILLI TO TESTIFY TO THE HAIR FOUND AT THE SCENE OF THE ACCIDENT?

Suggested Answer: Yes

ARGUMENT

I. TROOPER BATTESTILLI QUALIFIES AS AN EXPERT

The qualifications of a witness as an expert and the admission of expert testimony lie within the sound discretion of the trial court. Commonwealth v. Miller, 426 Pa. Super. 410, 424, 627 A.2d 741, 748-49 (1993). A witness who has any reasonable basis of special knowledge on a subject may testify as an expert. *Id.* at 425, 627 A.2d 749. An expert's pretension to specialized knowledge may be based on practical, occupational or other experimental training; the expert need not have gained expertise through academic training. Commonwealth v. Bowser, 425 Pa. Super. 24, 40, 624 A.2d 125, 134 (1993). A court bases its determination solely on if the witness' opinion will aid the trier of fact in finding the truth of the issues involved. Commonwealth v. Berrena, 421 Pa. Super. 247,

251, 617 A.2d 1278, 1280 (1992). The Superior Court will not reverse a lower court determination absent a clear abuse of discretion. Commonwealth v. Miller, Id at 424.

Eazor bases his argument on the case of Bennett v. Graham, 714 A.2d 393 (Pa. 1998), for the proposition that Trooper Battestilli cannot testify as an expert. Eazor's reliance upon Bennett v. Graham is misplaced and incorrectly analyzed. In Bennett, a three-day trial was scheduled. The officer was subpoenaed to testify on the third day of the trial. However, the trial lasted only two (2) days. The police officer was not physically present at the trial and was deemed to be unavailable. The officer's deposition testimony was read into the record.

The jury determined the defendant was one hundred percent (100%) liable for causing the accident. The defendant appealed the verdict. The Superior Court affirmed the trial court. The Supreme Court, contrary to what Eazor would lead the court to believe, did not rule that the officer would not have qualified as an expert. On a very narrow issue, the court ruled the officer had not been offered nor accepted as an expert witness at the deposition nor at the trial. The Supreme Court went on to rule that had the proper foundation been laid, and the officer had been properly qualified and offered as an expert, the trial court could have admitted his testimony as evidence if, after due consideration, it had determined that the officer's experience satisfied the expert witness standard.

Eazor somewhat cavalierly states "basic police training and experience is per se insufficient to demonstrate such specialized knowledge" citing Bennett and Reed v. Hutchinson, 480 A.2d 1096 (Pa. Super. 1984).

In Reed, the Superior Court recognized, "When a police officer is properly qualified as an expert, and a proper foundation for his testimony is established, an officer may like any other witness, render an opinion on the question of causation." In Reed, the Superior Court ruled the officer had not been qualified as an expert. The trooper in question had only been a state police officer for 1½ years and who had only undergone the basic training in accident investigation. When questioned on the issue of his experience he did not relate how many, if any, accidents he had investigated nor any other specialized knowledge he possessed.

In the case at bar, Trooper Battestilli was age 38 at the time of the collision. He had been in police work all of his life. He was a member of the military police for three (3) years. He was a member of the Punxsutawney Borough Police for three (3) years. He was a member of the Pennsylvania State Police for thirteen (13) years. He had investigated fourteen (14) to fifteen (15) traffic fatalities while employed by the Pennsylvania State Police. In Reed, the officer was admittedly a "rookie". In the case at bar, Trooper Battestilli is an experienced career professional with multiple fatality investigations as experience. He is able to meet the expert witness standard.

ARGUMENT II

II. DOES PSP TROOPER BATTESTILLI'S OPINION THAT EAZOR WAS THE DRIVER OF THE MOTOR VEHICLE LACK AN ADEQUATE FOUNDATION?

The basic requisite for the admission of any evidence is that it be both competent and relevant; evidence is competent if it is material to the issues to be determined at trial,

and relevant if it tends to prove or disprove a material fact in issue. McManamon v. Washko, 906 A.2d 000 (Pa. Super. 2006).

Eazor argues Trooper Battestilli lacks an adequate foundation to opinion that Eazor was the driver of the motor vehicle. Eazor admits "in Pennsylvania an expert is permitted to give an opinion based, not only personal knowledge, but also upon reports, facts and data of others, which are not in evidence but upon which experts customarily rely in the practice of their profession." Boucher v. Pennsylvania Hospital, 831 A.2d 623, 628 (Pa. Super. 2003). In the case at bar, both Rebecca Barraclough and William Cox met with Trooper Battestilli at the accident site on the evening/morning of the accident. Both gave written statements. Trooper Battestilli was in constant communication with DuBois State Police Troopers Robert Ball and Mark Schrecengost. Trooper Ball examined the body of Eazor and see the steering wheel imprint in Eazor's chest.

In addition, Trooper Battestilli conducted his own investigation at the accident scene. He searched the motor vehicle. He found blood on the floor of the passenger side of the vehicle. He found blood outside of the passenger door. He found blood moving from the passenger door to the roadway where Cox and Barraclough had parked their vehicle. He searched the driver's portion of the vehicle and did not discover any blood. He searched around the vehicle looking for blood to verify Eazor's story. He found no blood. He examined the steering wheel and the steering column and determined both had been damaged as a result of a body striking the steering wheel. Trooper Battestilli found short brown hairs in the broken windshield of the driver's side of the vehicle matching Eazor's hair. He found no long blonde hair matching Lynn Sharp. Trooper Battestilli's

opinion that Eazor was the driver of the vehicle was the product of his own investigation at the scene, the statements of the first two (2) people at the accident scene, Cox and Barraclough, the investigation by Trooper Ball and Trooper Schrecengost and finally by Eazor's autopsy.

Eazor cites the case of Primavera v. Celotex, 415 Pa. Super. 41, 608 A.2d 515 (1992). Primavera clearly states there is a well-settled exception to the hearsay rule which permits experts to testify regarding reports of others which are not in evidence, but upon which they relied in reaching their professional conclusion.

> The logical underpinnings for this rule which allows the qualified expert to rely on material which might otherwise be classified as hearsay are multifold. First, the rule is born of practical necessity. An expert's opinion may be based upon years of professional experience, schooling and knowledge, not all of which can be presented on a firsthand basis in court. ..., the expert is assumed to have the mastery to evaluate the trustworthiness of the data upon which he or she relies, both because the expert has demonstrated his expert qualifications and because the expert regularly relies on and uses similar data in the practice of his or her profession. The kind of data contemplated by the rule is often, ..., the kind of data used daily by experts in making judgments, reaching diagnosis and taking action. Id at 519

In the case at bar, Trooper Battestilli relied upon the statements of Cox, Barraclough, Trooper Ball, Trooper Schrecengost and the pathologist together with his own investigation in forming his expert opinion.

Pennsylvania Courts have remarked on the tenancy to "liberalize . . . the permissible underpinnings of expert testimony". Primavera Id. at 520. In further explaining the rationale of the Federal Rule of Evidence 703, one federal court

emphasized that the rule reflects the reality of expert analysis and decision making. Commonwealth vs. Thomas, supra. 282 A.2d at 699. "Following the guidance of the Federal Rules of Evidence, [Pennsylvania] courts have liberalized the permissible basis for an alleged expert's opinion testimony." The rationale . . . is that the expert, because of his professional knowledge and ability, is competent to judge for himself the reliability of the records and statements on which he bases his expert opinion. An expert's opinion is derived not only from the records and data but from education **and a lifetime of experience**. Thus, when the expert witness has consulted numerous sources and uses that information, together with his own professional knowledge and experience, to arrive at his opinion, that opinion is regarded as evidence in its own right and not as hearsay in disguise. Primavera Id. at 520; United States v. Williams, 447 F.2d 1285, 1290. The Superior Court in Primavera recognized that if an expert has made both the assumptions or leaps of judgment in relying on certain sources or informing conclusions based on those sources, these issues are the proper subject of cross-examination. Id at 521.

Trooper Battestilli did not make an on-the-spot determination of who was driving the motor vehicle. Rather, he conducted an investigation that lasted for several weeks until the autopsy was completed and received. Trooper Battestilli received information that Lynn Sharp had made statements that she was the driver of the vehicle. Trooper Battestilli considered those statements together with all the other evidence in the case and determined that Sharp's statements were inaccurate and Eazor was the driver of the vehicle.

In conclusion, Trooper Guy Battestilli is a well-qualified expert witness.

ARGUMENT III

III. IS THERE SUFFICIENT FOUNDATION FOR TROOPER BATTESTILLI TO TESTIFY TO THE HAIR FOUND AT THE SCENE OF THE ACCIDENT?

The only individuals to have seen Eazor and Sharp at the scene of the collision were Cox and Barraclough. Barraclough and Cox reported to Trooper Battestilli and Trooper Lorelli that Eazor had short brown hair and Sharp had long blonde hair. Trooper Battestilli testified at his deposition that the hair he found in the drivers' side windshield hole was short brown hair approximately one half (1/2") inch in length. Lynn Sharp testified at her deposition that at the time of the accident she had long blonde hair. Tropper Battestilli possesses an adequate foundation to testify that the hair he found in the driver's side windshield hole was that of Eazor. Trooper Lorelli will testify to the same.

HOPKINS HELTZEL LLP

By: _____
David J. Hopkins, Esquire
Attorney for Lynn A. Sharp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

LYNN A. SHARP, Plaintiff	:	
vs.	:	Consolidated Case No. 02-1890-C.D.
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY PENNSYLVANIA
(CIVIL DIVISION)

CANDACE A. EAZOR, Administratrix of the Estate of Richard A. Eazor, Plaintiff	:	
vs.	:	
LYNN A. SHARP, Defendant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Brief in Opposition to Motion in Limine to Preclude Testimony of State Police Trooper Guy Battestilli, filed on behalf of the Lynn A. Sharp, was forwarded on the 26th day of November, 2007, by facsimile, to all counsel of record, addressed as follows:

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11/21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

LYNN A. SHARP,	)	CIVIL DIVISION
	)	
Plaintiff	)	NO. 2002-1890-CD
	)	
v.	)	
	)	
CANDACE A. EAZOR, EXECUTRIX	)	
	)	
Defendant	)	

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IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA

CANDACE A. EAZOR, EXECUTRIX,	)	CIVIL ACTION
	)	
Plaintiff	)	NO. 48-2003-CD
	)	
v.	)	
	)	
LYNN A. SHARP,	)	
	)	
Defendant	)	

BRIEF IN SUPPORT OF MOTION IN LIMINE TO PRECLUDE TESTIMONY OF STATE TROOPER GUY BATTESTILLI

And Now, comes J. Richard Eazor, Administrator of the Estate of Richard A. Eazor, deceased, by and through his attorneys, Ray F. Middleman, Esquire and Malone Middleman, P.C., and files the within Brief in Support of Motion in Limine.

I. HISTORY OF THE CASE

On October 6, 2002 at approximately 3:45 a.m. a 1989 Chevrolet Corsica, owned and operated by Lynn A. Sharp, was traveling northbound on State Route 949. The vehicle went out of control, crossed the southbound lane of traffic and struck a tree head

on. Richard A. Eazor was a passenger in Ms. Sharp's vehicle and died within an hour of the collision as a result of the injuries sustained therein.

At some point after the incident in question, William Cox and Rebecca Barraclough, strangers to the parties, came upon the accident scene and stopped to help Ms. Sharp and Mr. Eazor. Unable to use their cell phone to contact either police or ambulance services from the accident scene, Mr. Cox and Ms. Barraclough drove Ms. Sharp and Mr. Eazor to Ms. Barraclough's mother's house so that an ambulance could be called. The parties were treated by EMT's and Paramedics at the aforesaid residence and then transported to the hospital from that point. Ms. Sharp's vehicle was left at the scene of the accident. Later in the day, Mr. Cox and Ms. Barraclough returned to the scene of the accident and gave statements to the State Police as to what they had witnessed and their conversations with the parties.

Pennsylvania State Trooper Guy Battestilli was the investigating officer for this incident and authored the police crash reporting form. (See D.T. of Trooper Battestilli at pages 10-14).[1] Trooper Battestilli has been a Pennsylvania State Trooper for 13 years. (See D.T. of Trooper Battestilli at page 5). Prior to that he was a policeman for the Borough of Punxsutawney for three years and had three years as a military policeman before that. (See D.T. of Trooper Battestilli at page 5). Trooper Battestilli graduated from high school and took several college level courses in Germany while serving in the military. (See D.T. of Trooper Battestilli at pages 5-6). He has taken the basic accident scene management course and has been involved with roughly 14-15 fatal traffic investigations. (See D.T. of Trooper Battestilli at page 44).

[1] "D.T." is an abbreviation for "deposition transcript", followed by the page numbers where the testimony of Trooper Battestilli may be found.

Trooper Battestilli was at the scene from 5:00 a.m. until 9:00 a.m., but was not present at the same time that the parties were at the scene and was not made aware that it was a fatal accident until after he arrived on the scene. (See D.T. of Trooper Battestilli at page 8). Trooper Battestilli never saw or talked to Rich Eazor or Lynn Sharp at any point in his investigation. (See D.T. of Trooper Battestilli at pages 9, 11, 39, 53). He never went to the Barraclough/Palmer residence, where Mr. Eazor and Ms. Sharp were taken, by Mr. Cox and Ms. Barraclough to interview any witness at that location. (See D.T. of Trooper Battestilli at pages 9, 26). No photographs of the scene were taken. (See D.T. of Trooper Battestilli at page 34).

During his deposition, Trooper Battestilli testified that it was his opinion that Mr. Eazor was the Driver of the vehicle on the night in question, and he indicated this in the police crash reporting form. (See D.T. of Trooper Battestilli at page 17). Trooper Battestilli made his conclusion as to who was driving based solely upon speculation and conjecture.

When coming to his unfounded conclusion, Trooper Battestilli did not know the extent or nature of the injuries suffered by Mr. Eazor or Ms. Sharp. (See D.T. of Trooper Battestilli at pages 58-59). He never spoke to anyone involved in the medical treatment of Lynn Sharp. (See D.T. of Trooper Battestilli at page 53). The only information he had about Lynn Sharp's injuries is what he was told by Mr. Cox and Ms. Barroclough, two bystanders with no medical training or experience whatsoever. They told Trooper Battestilli that Ms. Sharp had some sort of ankle injury. (See D.T. of Trooper Battestilli at page 57). However, he did not know the nature, extent or severity of this injury. (See D.T. of Trooper Battestilli at pages 50, 57-58).

Trooper Battestilli lists the following basis to support his opinion that Mr. Eazor was the driver of the vehicle on the night in question: (a) because the driver would sustain severe injury to his internal organs and chest due to the severity of the impact it would take to bend the steering wheel. (See D.T. of Trooper Battestilli at pages 38-39); (b) he was told by Mr. Cox and Ms. Barroclough that Ms. Sharp was sitting with her feet outside of the passenger door when the witnesses found them; (See D.T. of Trooper Battestilli at page 20); (c) he was told by Mr. Cox and Ms. Barroclough that Ms. Sharp sustained an ankle injury and he found what appeared to be blood on the passenger side floor. (See D.T. of Trooper Battestilli at pages 19-20); and (d) he was told by Mr. Cox and Ms. Barroclough that Mr. Eazor had brown hair, and Ms. Sharp blond, and he found what appeared to be brown hair in the windshield. (See D.T. of Trooper Battestilli at pages 19, 43).

A jury trial in this matter is currently scheduled for December 4, 2007. The sole matter before this court is the determination of the driver of the vehicle at the time of the accident.

II. QUESTIONS INVOLVED

WHETHER TROOPER BATTESTILLI QUALIFIES AS AN EXPERT IN THIS MATTER, THUS ALLOWING HIM TO RENDER AN OPINION AS TO WHO WAS DRIVING THE VEHICLE AT ISSUE.

Suggested Answer: No

WHETHER TROOPER BATTESTILLI'S OPINION THAT MR. EAZOR WAS THE DRIVER LACKS SUFFICIENT FOUNDATION.

Suggested Answer: Yes

WHETHER THERE IS SUFFICIENT FOUNDATION FOR TROOPER BATTESTILLI TO TESTIFY AS TO THE HAIR FOUND AT THE SCENE OF THE ACCIDENT.

Suggested Answer: No

III. ARGUMENT

A. TROOPER BATTESTILLI IS NOT AN EXPERT IN THIS MATTER AND MAY NOT RENDER AN OPINION AS TO WHO WAS DRIVING

A police officer who does not personally witness an accident is not competent to testify as to the cause of the accident because the opinion expressed would be grossly speculative and an invasion of the jury's exclusive prerogative. Bennet v. Graham, 714 A.2d 393, 395 (Pa. 1998); *citing* Brodie v. Philadelphia Transportation Co., 203 A.2d 657, 658 (Pa. 1964). An exception to this rule applies when the police officer is qualified as an expert. Bennet, 714 A.2d at 395. Trooper Battestilli is not qualified in this matter to be an expert.

In order to qualify as an expert in a given field, a witness must possess, at a minimum, "more expertise than is within the ordinary range of training, knowledge, intelligence, or experience." Bennet, 714 A.2d at 395; *citing* Flanagan v. Labe, 690 A.2d 183 (Pa. 1997). The test is "whether the witness has a reasonable pretension to specialized knowledge on the subject matter in question." Id.

In the case of police officers, basic police training and experience is *per se* insufficient to demonstrate such specialized knowledge. Bennet, 714 A.2d at 395; *citing* Reed v. Hutchinson, 480 A.2d 1096 (Pa.Super. 1984).

In Bennet, the Pennsylvania Supreme Court reversed the trial court's decision to allow the investigating police officer to an accident to testify as to which party ran a red light. In that case, two cars were involved in an accident, in which the passengers of each car claimed the other ran a red light. Bennet, 714 A.2d at 394. The officer investigating

was not a witness to the accident in question. Id. The officer in question observed the accident scene and went to the hospital and interviewed the parties before completing his accident report. Id.

In the Bennet case, the officer testified that he had received instruction in accident investigation during the police academy and, over the course of a 20 year career he had personally responded to a "few hundred" accident scenes. Id. The officer then offered his opinion as to who ran the red light. Id. The Bennet court held that the trial court committed reversible error by admitting into evidence the officer's opinion because he was not qualified as an expert and did not personally witness the accident. Id, at 395. The court explained:

> Since Officer Loughery had not been properly qualified and accepted as an expert, he could only testify to the facts that he personally witnessed. His opinion testimony as to who ran the red light was admittedly highly speculative and based, at least in part, on the out of court statements given by the occupants of the vehicles. This testimony was therefore, inadmissible.

Id, at 396.

In the case at hand, Trooper Battestilli did not witness the accident. In fact, he didn't even interview either of the parties involved in the accident. He is a high school graduate with no college education. (See D.T. of Trooper Battestilli at page 5). He has been a State Trooper for 13 years. (See D.T. of Trooper Battestilli at page 5). The only course he has taken during his career is the basic scene management/accident investigation course, and he has responded to approximately 14 to 15 fatal accidents. (See D.T. of Trooper Battestilli at pages 43-44). Trooper Battestilli has less experience than the officer held not to be an expert in Bennet, and only possesses basic police training and experience. Thus, he is *per se* not qualified as an expert in this matter.

Accordingly, Trooper Battestilli must be precluded from offering his opinion as to who was the driver in the accident in question because he is not an expert and did not witness the accident.

B. TROOPER BATTESTILLI'S OPINION THAT MR. EAZOR WAS THE DRIVER LACKS AN ADEQUATE FOUNDATION

Even if Trooper Battestilli were considered an expert in this matter, his opinion that Mr. Eazor was the driver lacks an adequate basis in fact. Testimony is incompetent if it lacks an adequate basis in fact. Kelly v. Thackray Crane Rental, 874 A.2d 649, 653 (Pa.Super. 2005). No matter how skilled or experienced the witness may be, he will not be permitted to guess or to state a judgment based on mere conjecture. Collins v. Hand, 246 A.2d 398, 404 (Pa. 1968). For opinion evidence to have probative value it must be based on facts proven or assumed, sufficient to enable the expert to form an intelligent opinion. Id.

In Pennsylvania an expert is permitted to give an opinion based upon, not only personal knowledge, but also upon reports, facts and data of others, which are not in evidence but upon which experts customarily rely in the practice of their profession. Boucher v. Pennsylvania Hospital, 831 A.2d 623, 628 (Pa.Super. 2003). However, an expert will not be permitted simply to repeat another's opinion or data without bringing to bear on it his own expertise and judgment. Primavera v. Celotex Corporation, 608 A.2d 515 (Pa.Super. 1992); *see also* Luzerne County v. Reilly, 825 A.2d 779, 784 (Pa.Cmmwlth. 2003).

1. Trooper Battestilli Is Not Competent To Render Opinion As To The Medical Conditions Of The Parties Due To The Accident

In support of his opinion that Mr. Eazor was the driver, Trooper Battestilli testified in his deposition that, based on the damage done to the steering wheel, the driver of the vehicle would have sustained serious injuries to his internal organs and chest area because of the severe impact. (See D.T. of Trooper Battestilli at pages 38-39).

In order for Trooper Battestilli to render an opinion as to the injuries that would follow from impact with the steering wheel, he would have to be qualified as a medical expert. As it has already been determined, he has no specialized knowledge that would qualify him as a medical expert in this case, nor did he witness the accident in question. Therefore, as he did not witness the accident and is not a medical expert, he may not render an opinion as to what or who bent the steering wheel, nor may he opine as to the nature of the injures one would receive from impact.

Furthermore, Trooper Battestilli never even saw or talked to Richard Eazor. (See D.T. of Trooper Battestilli at pages 9, 39). He admittedly came to the conclusion that Mr. Eazor was the one who bent the steering wheel without even knowing the extent of Mr. Eazor's injuries, or whether his chest was even injured. (See D.T. of Trooper Battestilli at pages 58-60). Thus, Trooper Battestilli had no factual foundation to opine that the impact with the steering wheel and resulting damage thereto would cause the type of injuries Mr. Eazor had, because he had no idea that Mr. Eazor even had chest injuries when he came to this conclusion. More disturbing, perhaps, is the fact that Ms. Sharp did sustain serious chest injuries, which resulted in bruising above both breasts and the loss of lung capacity on the right and left sides, eventually requiring intubation before she was life-flighted to a trauma center.

This is not a situation where Trooper Battestilli may base his opinion on facts or data perceived or made known to him after his initial investigation. The fact that Mr. Battestilli may have become aware of Mr. Eazor's medical condition prior to the trial date does not cure Trooper Battestilli's incompetency to testify as to any link there might be to the damaged steering wheel and Mr. Eazor's injuries. He is not a medical expert trained to reach conclusions regarding medical causation.

The rationale for allowing an expert to use other data not personally perceived by him to support his opinion was explained by our Superior Court in Primavera:

> The expert is assumed to have the mastery to evaluate the trustworthiness of the data upon which he or she relies, both because the expert has demonstrated his expert qualifications and because the expert regularly relies on and uses similar data in the practice of his or her profession. The kind of data contemplated by this rule is often the kind of data used daily by experts in making judgments, reaching diagnoses, and taking action.

Luzerne, 825 A.2d at 784; *citing* Primavera, 608 A.2d at 519-21.

The above analysis depends upon the expert actually acting as an expert and not as a mere conduit or transmitter of the content of the extrajudicial source. Id. The expert may incorporate a non-testifying expert's findings into his own express opinion, however, he is not permitted to merely restate another's conclusions without espousing his own expertise and judgment. Luzerne, 825 A.2d at 784; *citing* Beaumont v. ETL Servs., 761 A.2d 166, 171 n.8 (Pa.Super. 2000).

In Luzerne, a real estate appraiser was correctly precluded from repeating opinions solicited from attorneys as to legal marketability of title. Luzerne, 825 A.2d 779. The court reasoned that without legal training, he was not able to bring to bear his own expertise to evaluate the legal opinions he sought to relate. Id, at 785.

Because Trooper Battestilli is not qualified to opine on medical causation matters, and thus has no expertise to evaluate any opinions he sought as to Mr. Eazor's injuries, he is not permitted to testify as to a link between Mr. Eazor's alleged injuries and the damage to the steering wheel. Trooper Battestilli's assertion that it was Mr. Eazor who impacted the steering column must be prevented from being proffered to a jury because it is derived from an incompetent factual basis. Frankly, the evidence is overwhelming – based on the scientific medical evidence – that Ms. Sharp was the driver of the vehicle.

In further support of his opinion that Mr. Eazor was the driver, Trooper Battestilli states that due to the severity of Lynn Sharp's injuries, she would have been unable to walk, and thus must have been the passenger because she sat in the passenger seat, with her legs out the door, at the time that Mr. Cox and Ms. Barroclough arrived at the scene. Trooper Battestilli is not qualified to render an opinion as to the severity of Ms. Sharp's injuries or how that injury affected her ability to walk. Further, Trooper Battestilli discounts statements made by Mr. Eazor that Ms. Sharp was helped to walk by Mr. Eazor.

Trooper Battestilli never saw Lynn Sharp, nor did he ever speak to anyone involved in her medical treatment. (See D.T. of Trooper Battestilli at page 53). He further testified that, judging from what appeared to be blood on the floor, she must have been severely injured. (See D.T. of Trooper Battestilli at page 58). However, Trooper Battestilli admittedly did not know the nature or extent of Ms. Sharp's injuries. (See D.T. of Trooper Battestilli at pages 57-58). He testified that, as far as he knew, the blood on the passenger floor could have come from Mr. Eazor. (See D.T. of Trooper Battestilli at page 58).

The only indication that Trooper Battestilli got regarding Ms. Sharp's condition after the accident is from Mr. Cox and Ms. Barroclough, who informed him that Ms. Sharp had some sort of ankle injury. (See D.T. of Trooper Battestilli at page 57). It is impossible to conclude that Lynn Sharp's leg injury was severe based upon the blood on the passenger floor, when it is not known whose blood was on the floor, the volume of that blood, or if Ms. Sharp even had an injury that produced blood.

Trooper Battestilli is not a medical expert and has no personal knowledge as to the injuries suffered by Lynn Sharp in this accident. He is precluded from testifying as to the nature or extent of any injuries she might have suffered from the accident and whether the injuries affected her ability to walk. He is also precluded from linking the blood found on the floor to Ms. Sharp.

Thus, Trooper Battestilli's assertion that Ms. Sharp's injuries were too severe for her to walk after the accident is based upon an incompetent factual basis and must be precluded.

C. TROOPER BATTESTILLI IS PRECLUDED FROM OFFERING TESTIMONY AS TO THE HAIR FOUND AT THE SCENE OF THE ACCIDENT

Trooper Battestilli testified in his deposition that he found what appeared to be "three or four" brown hairs in a hole in the windshield on the driver's side of Ms. Sharp's Corsica. (See D.T. of Trooper Battestilli at page 19). At the scene of the accident, Mr. Cox and Ms. Barroclough told Trooper Battestilli that Lynn Sharp had blond hair and that Richard Eazor had brown hair. (See D.T. of Trooper Battestilli at page 19). Based on the witness statements, Trooper Battestilli testified in his deposition that the hair in the windshield was Mr. Eazor's. In part, he supports his opinion that Mr. Eazor was the driver of the car based on the hairs that he found. (See D.T. of Trooper Battestilli at

pages 19, 42-43). The truth, of course, is that Mr. Eazor was nearly bald at the time of the accident.

As a lay witness, Trooper Battestilli may only testify as to what he actually perceived. Trooper Battestilli never personally saw Ms. Sharp or Mr. Eazor, so he does not know what color hair they had at the time of the accident. No samples were taken of the hair found at the scene, no hairs were preserved, and no tests were performed on the hair to conclusively determine whose hair it was. (See D.T. of Trooper Battestilli at pages 23-25, 56). Further, Trooper Battestilli did not mark the position of the hairs while at the scene of the accident and testified at his deposition that he doesn't recall their exact position on the windshield. (See D.T. of Trooper Battestilli at pages 55-56).

Most importantly, the medical examiner, Harold R. Cottle, M.D. found, at autopsy, that Mr. Eazor's ". . . scalp and skull examined minutely, externally, by palpation and inspection show no evidence of trauma, fracture or otherwise." There was no testimony from any witness that Mr. Eazor suffered a head injury or was anything other than lucid during the time that he survived after the accident. Both Mr. Cox and Ms. Barraclough related that he spoke to them coherently and without any sign of mental deficiency. Ms. Sharp, on the other hand, is averred by her counsel to have suffered a severe head injury – as well as loss of lung capacity, bruising above both breasts and injuries to her chest and sternum.

Trooper Battestilli may not use hearsay statements indicating the color of the parties' hair as the basis for his opinion as to whose hair was at the accident scene. It is impossible to know whose hair was found in the windshield without performing tests that would conclusively determine the owner. It is also impossible to know whether the

hair at the scene was stained by blood, which would affect its color. Further, Trooper Battestilli's perception was based on "three or four" hairs that he observed in relative darkness.

It should also be pointed out that Mr. Eazor was nearly totally bald and had grey-brown hair, as noted in the autopsy report. (See Autopsy Diagnosis at page 3). Lynn Sharp testified in her deposition that her hair changes color with the weather, and that it is light brown in the winter. (See D.T. of Lynn Sharp at page 8).

Under the circumstances, it would be extremely prejudicial to allow Trooper Battestilli to testify that he found a few brown hairs on the driver's side windshield of the vehicle, when he did not mark the exact position of the hair and testified at his deposition that he is not sure of their exact position. As the Pennsylvania Supreme Court noted in Bennet, "police statements carry with them a naturally high level of 'prestige and authoritativeness' which, when brought to the attention of the jury are 'highly prejudicial.'" Bennet, 714 A.2d at 397; *citing* Johnson v. Peoples Cab Co., 126 A.2d 720 (Pa. 1956).

Trooper Battestilli did not personally observe the parties in question, so he must be precluded from testifying as to whose hair he found at the accident scene. He may not infer that it was Mr. Eazor's hair that he found to support his opinion that Mr. Eazor was the driver of the vehicle. His assertion that Mr. Eazor's hair was found in the windshield at the scene of the accident is not based upon adequate facts and is, to the contrary, contradicted by the known facts of Ms. Sharp's injuries and the medical examiner's autopsy. Trooper Battestilli should be precluded from testifying at all about the hair he

found due to the uncertain circumstances and potentially high prejudice that the Eazor Estate would suffer.

D. CONCLUSION

Based on the foregoing, Trooper Battestilli should be precluded from offering an opinion as to who was driving Ms. Sharp's vehicle on the night of the incident in question. He is also precluded from offering testimony as to the owner's hair found in the windshield on the night of the accident.

Respectfully submitted,

MALONE MIDDLEMAN, P.C.

By: _____
Ray F. Middleman, Esquire
Attorney for J. Richard Eazor,
Administrator of the Estate of
Richard A. Eazor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion in Limine to Preclude the Testimony of State Trooper Guy Battestilli, and supporting brief, was served upon the following parties via first-class U.S. Mail on the 5th day of November, 2007:

The Honorable Paul E. Cherry
Clearfield County Judge's Chambers
230 East Market Street
Clearfield, PA 16830

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

David J. Hopkins, Esquire
Hopkins Heltzel LLP
100 Meadow Lane, Suite 5
DuBois, PA 15801

Ray F. Middleman, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CIVIL DIVISION
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

FILED NO CC
m/10:53 BY
NOV 19 2004
William A. Shaw
Prothonotary/Clerk of Courts

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff, vs. LYNN A. SHARP, Defendant	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA CIVIL DIVISION No. 48 C.D. 2003 ISSUE: **Affidavit of Service** Filed on behalf of Defendant Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 17th DAY OF NOVEMBER, 2004.

_____

LYNN A. SHARP,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:	
Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:	
vs.	:	Case No.: 48 C.D. 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

AFFIDAVIT OF SERVICE

AND NOW, comes LOUIS C. SCHMITT, JR., ESQUIRE, counsel for LYNN A SHARP, in her capacity as a defendant in Case No. 48 C.D. 2003, and after first being duly sworn does depose and say as follows:

1. That he served by first class mail, postage pre-paid, a copy of this Honorable Court's Order of November 10, 2004 upon Attorneys Kruk, Hopkins, and Sundberg.

FURTHER THIS AFFIANT SAYETH NOT

MCINTYRE, DUGAS, HARTYE, & SCHMITT

Date: 11/17/04

Louis C. Schmitt, Jr., Esquire
PA I.D. No. – 52459
P.O. Box 533
Hollidaysburg, PA 16648
(814) 696-3581

Personally subscribed and acknowledged before me this 17th day of November, 2004, to be the true and correct signature of the above-named party.

Sharon K. Roach
Notary Public

Notarial Seal
Sharon K. Roach, Notary Public
Allegheny Twp., Blair County
My Commission Expires Dec. 1, 2006
Member, Pennsylvania Association of Notaries

Memo

To: Honorable Paul E. Cherry, Judge

From: William A. Shaw, Prothonotary

CC: Andrew Lovette, Law Clerk

Date: 04/29/05

Re: Sharp vs. Eazor appeal, 02-1890-CD

The above referenced appeal is due to be transmitted to Superior Court May 2, 2005, per Superior Court Order of March 21, 2005. I wanted to advise you that the Prothonotary office's paperwork has been completed, and the file has been returned to Andrew Lovette.

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date	Selected Items	Judge
12/06/2004 41	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed.	Paul E. Cherry
01/18/2005 ✓42	Notice of Serving of Supplemental Answers to Expert Interrogatories Directed to Candace A. Eazor, served on Jan. 13, 2005, filed by s/ Eugene C. Sundberg, Jr., Esquire. no CC 1	Paul E. Cherry
03/11/2005 ✓43	Request for Transcript, filed by s/Gregory Kruk, Esq. Three CC Attorney Kruk 8	Paul E. Cherry
03/23/2005 ✓44	Order of the Superior Court of Penna., Upon consideration of appellant Eazor's March 15, 2005 "petition for reinstatement," the petition is GRANTED such that the instant appeal is REINSTATED. The original trial court record is due in theis court 40 days from the date of this Order. March 21, 2005 Per Curiam 2	Paul E. Cherry
03/24/2005 ✓45	Motion To Consolidate Cases, filed by s/ William Weiler, Jr. Esquire. No CC 7	Paul E. Cherry
✓46	Praecipe For Entry of Appearance, filed on behalf of Candice A. Eazor. Filed by s/ William Weiler, Jr., Esquire. No CC, Copy to C/a 3	Paul E. Cherry
✓47	Order, AND NOW, this 24th day of March, 2005, the court having been notified of Appeal to the Superior Court of Pennsylvania it is the ORDER of this Court that Appellant file a concise statement no later than founrteen daays herefrom, as set fforth in Rule 1925(b) of the Rules of Appellate Procedure. BY THE COURT, /s/ Paul E. Cherry, Judge. 1CC Attys: Hopkins, Sundberg, Ferraro. 1	Paul E. Cherry
03/29/2005 ✓48	Transcript Of Proceedings filed. Motion For Partial Summary Judgement, Motion For Summary Judgemnt. Held before the Honorable Paul E. Cherry, Judge, on Monday, July 19, 2004. 3c	Paul E. Cherry
✓49	Transcript Of Proceedings filed. Held before Paul E. Cherry, Judge, on Tuesday, Jan. 6, 2004. 3c	Paul E. Cherry
04/06/2005 ✓50	Concise Statement of Matters Complained of on Appeal, filed by s/ Gregory M. Kruk, Esquire. 5CC to Atty 4	Paul E. Cherry
✓51	Certificate of Service, Concise Statement of Matters Complained of on Appeal, on the 6th day of April 2005, to David J. Hopkins, Esquire, and Louis C. Schmitt, Jr., Esquire. 2	Paul E. Cherry
04/07/2005 ✓52	Objections To Motion to Consolidate Cases, filed by s/ Louis C. Schmitt, Jr., Esquire. No CC 5	Paul E. Cherry
04/11/2005	Order, AND NOW, this 8th day of April, 2005, upon consideration of the Motion to Consolidate Cases and any response thereto it is ORDERED that the motion to Consolidate Cases is denied. BY THE COURT: /s/ Paul E. Cherry, Judge. 2CC Atty Schmitt	Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
12/06/2002	(1) Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty. 7	No Judge
01/03/2003	(2) Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro 5	No Judge
01/23/2003	(3) Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc. 4	No Judge
01/29/2003	(4) Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc 3	No Judge
01/31/2003	(5) Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm 1	No Judge
03/04/2003	(6) Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro 6	Paul E. Cherry
03/17/2003	(7) Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc 3	John K. Reilly Jr.
05/28/2003	(8) Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc 4	John K. Reilly Jr.
09/18/2003	(9) Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc 4	John K. Reilly Jr.
	(10) Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc 4	John K. Reilly Jr.
12/17/2003	(11) ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk. 1	Paul E. Cherry
01/09/2004	(12) ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg 1	Paul E. Cherry
02/17/2004	(13) Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc 6	Paul E. Cherry
02/18/2004	(14) RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins 2	Paul E. Cherry
03/08/2004	(15) Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc 4	Paul E. Cherry
	(16) Certificate of Service, Answer To Pertition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc 1	Paul E. Cherry
03/17/2004	(17) ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk 1	Paul E. Cherry
04/07/2004	(18) Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct 5	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
04/19/2004	(19) Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies. 11	Paul E. Cherry
04/23/2004	(20) ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro 1	Paul E. Cherry
	(21) Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins 4	Paul E. Cherry
05/12/2004	(22) ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro 1	Paul E. Cherry
05/26/2004	(23) ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg 1	Paul E. Cherry
05/27/2004	(24) CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel 3	Paul E. Cherry
06/22/2004	(25) Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC 6	Paul E. Cherry
06/23/2004	(26) Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins 2	Paul E. Cherry
06/30/2004	(27) Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC 5	Paul E. Cherry
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Paul E. Cherry
07/15/2004	(28) Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC 6	Paul E. Cherry
07/23/2004	(29) Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Premit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC 1	Paul E. Cherry
08/23/2004	(30) Notice of Serving Answers to Expert Interrogatories Directed to Cndance A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty 1	Paul E. Cherry
10/22/2004	(31) Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty 3	Paul E. Cherry
10/29/2004	(32) Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty. 17	Paul E. Cherry
	(33) Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk 2	Paul E. Cherry

Clearfield County Court of Common Pleas

ROA Report

Case: 2002-01890-CD

Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
11/02/2004	(34) Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro 2	Paul E. Cherry
11/05/2004	(35) Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC 7	Paul E. Cherry
11/12/2004	(36) Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt. 3	Paul E. Cherry
11/18/2004	(37) Filing: Appeal to High Court Paid by: Ferraro, R. Edward (attorney for Eazor, Candace A.) Receipt number: 1890587 Dated: 11/18/2004 Amount: $45.00 (Check) 1 Cert. with $60.00 check to Superior Court & 7 Cert. to Atty. Kruk. 10	Paul E. Cherry
	(38) Proof of Service of Notice of Appeal, filed by Atty. Kruk 1 cert. to Superior and 7 cert. to Atty. 2	Paul E. Cherry
11/19/2004	(39) Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC. 7	Paul E. Cherry
12/02/2004	(40) Appeal Docket Sheet, Superior Court Number 2013 WDA 2004, filed. No CC 3	Paul E. Cherry
12/06/2004	(41) Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed. 276	Paul E. Cherry

Exit | Names F2 | Charge Entry | Cit. Entry | Cit. Search | Criminal F3 | Civil F4 | Juvenile F6 | Docs F7 | Payment F9 | Civil Filing | Tables | Reports | Password

Case: 2002-01890-CD

Judge: Paul E. Che
Filing date: 12/06/2002
Case subtype: Civil Other

Comment:
Previous case:

Created by: BHUDSON on 12/

1 Plaintiff | 1 Defendant

Sharp, Lynn A.
Attorney: Hopkins

Money due date: 00/00
Extension date: 00/00
Comment:

Return Costs: $53.07

Counter claimant:
Counter defendant:
Cross claimant:
Cross defendant:
Amount claimed:

Created by: BHUDSON on 1

2002-01890-CD | Lynn A. Sharp vs. Candace A. Eazor | Cas

11/19/2004 | AFF | Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC.

Cherry, Paul E.

Created by: GLKNIS
Updated by: GLKNIS

Missing
11-24-04 ?

Oldest First | Zoom In | Zoom Out | Print | New

Print Label | Print | AOPC Statistics | Change Case Type | New | Save | Delete | Close

11/24/2004 12:38 PM Print Screen in progress....

Start | FullCourt for Clearfiel...

(1) 7-1404-930

LAW OFFICES
McINTYRE, DUGAS, HARTYE & SCHMITT
P. O. BOX 533
HOLLIDAYSBURG, PA 16648-0533

JOHN L. McINTYRE
STEPHEN L. DUGAS
FRANK J. HARTYE
LOUIS C. SCHMITT, JR.
HEATHER A. HARRINGTON
MICHAEL A. SOSNOWSKI

(814) 696-3581
FAX (814) 696-9399
www.mdhslaw.com

June 29, 2004

Our Reference: PG 140 NH

Court Administrator
of Clearfield County
228 Courthouse
230 East Market Street
Clearfield, PA 16830

Re: Lynn A. Sharp v. Candace A. Eazor, Administrator of the Estate of Richard A. Eazor
No. 02-1890-C.D. Clearfield County
No. 48 C.D. 2003 Jefferson County

Dear Court Administrator:

Please find the original Brief in Support of Motion for Summary Judgment which has been filed in the Prothonotary's office this date regarding the above-captioned matter.

A copy of this Brief has already been sent to counsel of record on June 24, 2004, to advise them.

Sincerely,

Louis C. Schmitt, Jr., Esquire

LCS:lag
Enclosure

RECEIVED
JUN 30 2004
COURT ADMINISTRATOR'S
OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

LYNN A. SHARP, Plaintiff	:	CIVIL DIVISION
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor, Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR, Plaintiff,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA CIVIL DIVISION No. 48 C.D. 2003
vs. LYNN A. SHARP, Defendant	:	ISSUE: **Brief in Support of Motion for Summary Judgment**
	:	Filed on behalf of Defendant
	:	Counsel of Record for Defendant: McIntyre, Dugas, Hartye, & Schmitt Louis C. Schmitt, Jr., Esquire Pa. I.D. #52459 P.O. Box 533 Hollidaysburg, PA 16648 (814) 696-3581 Phone (814) 696-9399 Fax
	:	JURY TRIAL DEMANDED

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN WAS FORWARDED TO ALL COUNSEL OF RECORD ON THIS 24th DAY OF JUNE, 2004.

Attorneys for Defendant

RECEIVED
JUN 28 2004
COURT ADMINISTRATOR'S OFFICE

LYNN A. SHARP,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
Plaintiff	:	
vs.	:	No. 02-1890-CD
CANDACE A. EAZOR, Administrator of the Estate of Richard A. Eazor,	:	
Defendant	:	

CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR,	:	IN THE COURT OF COMMON PLEAS OF JEFFERSON COUNTY, PENNSYLVANIA
Plaintiff,	:	
vs.	:	Case No.: 48 C.D. 2003
LYNN A. SHARP,	:	
Defendant.	:	JURY TRIAL DEMANDED

BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Lynn A. Sharp, Defendant in Action No. 48 C.D. 2003, by and through her attorneys, McIntyre, Dugas, Hartye & Schmitt, and files the following Brief in Support of her Motion for Summary Judgment, saying as follows:

1. Defendant Lynn A. Sharp hereby incorporates by reference the Brief in Support of Motion for Partial Summary Judgment filed on her behalf as a Plaintiff in Action No. 02-1890-CD. For all of the reasons set forth in that Brief, Defendant Lynn A. Sharp respectfully requests that this Honorable Court dismiss Plaintiff's claims, with prejudice, in Action No. 48 C.D. 2003.

Respectfully submitted,

McINTYRE, DUGAS, HARTYE & SCHMITT

By: _____
Attorneys for Defendant
Lynn A. Sharp

Louis C. Schmitt, Jr., Esquire
PA I.D. No. 52459
P.O. Box 533
Hollidaysburg, PA 16638
(814) 696-3581

CERTIFICATE AND TRANSMITTAL OF RECORD UNDER PENNSYLVANIA RULE OF APPELLATE PROCEDURE 1931(C)

To the Prothonotary of the Appellate Court to which the within matter has been appealed:

THE UNDERSIGNED, Clerk (or Prothonotary) of the court of Common Pleas of Clearfield County, the said Court being a court of record, does hereby certify that annexed hereto is a true and correct copy of the whole and entire record, including an opinion of the Court as required by Pa. R.A.P. 1925, the original papers and exhibits, if any, on file, the transcript of the proceeding, if any, and the docket entries in the following matter:

02-1890-CD

Lynn A. Sharp
VS.
Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor

In compliance with Pa. R.A.P. 1931 (c).

The documents compromising the record have been numbered from **No. 1 to No.** 41, and attached hereto as Exhibit A is a list of the documents correspondingly numbered and identified with reasonable definiteness, including with respect to each document, the number of pages compromising the document.

The date on which the record had been transmitted to the Appellate Court is _____, _____.

_____
Prothonotary/Clerk of Courts

(seal)

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
12/06/2002	Filing: Civil Complaint Paid by: Heltzel, Lea Ann (attorney for Sharp, Lynn A) Receipt number: 1852338 Dated: 12/06/2002 Amount: $85.00 (Check) 2 CC to Atty.	No Judge
01/03/2003	Defendant's Preliminary Objection to Plaintiff's Complaint. filed by s/R. Edward Ferraro, Esquire Verification s/Candace A. Eazor 2 cc Atty Ferraro	No Judge
01/23/2003	Filing: Answer to Defendant's Preliminary Objections to Plaintiff's Complaint. No cc.	No Judge
01/29/2003	Praecipe To Submit Verification. filed by s/David J. Hopkins, Esquire Verification s/Lynn A. Sharp no cc	No Judge
01/31/2003	Sheriff Return, Papers served on Defendant(s). So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm	No Judge
03/04/2003	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d)(1), filed by s/R. Edward Ferraro, Esq. Two CC Attorney Ferraro	Paul E. Cherry
03/17/2003	Praecipe For Entry of Appearance on Behalf of Defendant, CANDACE A. EAZOR, Administratrix of the Estate of RICHARD A. EAZOR. filed by s/Eugene C. Sundberg, Jr., Esq. Certificate of Service no cc	John K. Reilly Jr.
05/28/2003	Notice of Intent To Serve A Subpoena To Produce Documents And Things For Discovery Pursuant To Pa. R.C.P. 4009.21 Upon COMMISSIONER JEFFREY B. MILLER, PSP. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
09/18/2003	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa.R.C.P. 4009.21 Upon Medical Records Custodian DRMC. filed by s/David J. Hopkins, Esquire Certificate of Service no cc	John K. Reilly Jr.
	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R.C.P. 4009.21 Upon Brockway Ambulance Service. filed by s/David J. Hopkins Certificate of Service no cc	John K. Reilly Jr.
12/17/2003	ORDER: AND NOW, this 17th day of Dec. 2003, it is the ORDER of the Court that argument on Defendant's Preliminary Objections and Petition for Change of Venue in the above matter has been rescheduled from Dec. 29, 2003 to Jan. 6, 2004 at 10:00 AM before Judge Cherry, in Courtroom 2. S/JKR 1 CC Atty. Heltzel. 1 CC Atty. Kruk.	Paul E. Cherry
01/09/2004	ORDER, AND NOW, this 9th day of January, 2004, re: Preliminary Objections and Petition for Change of Venue are hereby DENIED. by the Court, s/PEC,J. 1 cc Atty Heltzel, Sandberg	Paul E. Cherry
02/17/2004	Petition To Coordinate Actions Pursuant To Pa.R.C.P 213.1. filed by, s/David J. Hopkins, Esquire Certificate of Service no cc	Paul E. Cherry
02/18/2004	RULE TO SHOW CAUSE, AND NOW, this 18th day of February, 2004, issued upon Respondent, Candace A. Eazor. Rule Returnable the 9th day of March, 2004, for filing Written Response. by the Court, s/PEC, J. 1 cc Hopkins	Paul E. Cherry
03/08/2004	Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1. filed by, s/R. Edward Ferraro, Esquire no cc	Paul E. Cherry
	Certificate of Service, Answer To Petition To Coordinate Actions Pursuant To Pa. R.C.P. 213.1 upon David J. Hopkins, Esq., Eugene C. Sunberg, Jr., Esq., and Louis C. Schmitt, Jr., Esq. no cc	Paul E. Cherry
03/17/2004	ORDER, AND NOW, this 16th day of March, 2004, re:. Argument on Plaintiff's Petition to Coordinate Actions scheduled for Friday, April 23, 2004, at 10:30 a.m., in Courtroom No. 2. by the Court, s/PEC, J. 3 cc Atty Hopkins, 1 cc Atty Kruk	Paul E. Cherry
04/07/2004	Amended Complaint. filed by, s/David J. Hopkins, Esquire Verification s/David J. Hopkins, Esquire Certificate of Service no cct	Paul E. Cherry

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
04/19/2004	Answer and New Matter filed by Atty. Sundberg, Jr. No Cert. Copies.	Paul E. Cherry
04/23/2004	ORDER, AND NOW, this 23rd day of April, 2004, re: Hearing scheduled for April 23, 2004, at 10:30 a.m. is CANCELLED. Counsel shall submit to the Court a signed Stipulation within 15 days of this date. by the Court, s/PEC,J. 1 cc Attys: Heltzel, Sunberg, Ferraro	Paul E. Cherry
	Answer To New Matter. filed by, s/David J. Hopkins, Esquire Certificate of Service 2 cc Atty Hopkins	Paul E. Cherry
05/12/2004	ORDER, NOW, this 12th day of May, 2004, re: Hearing to show cause why the parties shall not be held in contempt of Court for failure to comply with Order of April, 23, 2004 is scheduled for the 1st day of June, 2004, at 10:00 a.m. in Courtroom No. 2. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg and R. Edward Ferraro	Paul E. Cherry
05/26/2004	ORDER, NOW, this 26th day of May, 2004, Contempt Hearing scheduled for June 1, 2004, be and is hereby CANCELLED. by the Court, s/PEC, J. 1 cc Atty Heltzel, Sundberg	Paul E. Cherry
05/27/2004	CONSENT ORDER, AND NOW, this 26th day of May, 2004. by the Court, s/PEC, J. 3 cc to Atty Heltzel	Paul E. Cherry
06/22/2004	Motion for Partial Summary Judgment, filed by s/David J. Hopkins, Esq. No CC	Paul E. Cherry
06/23/2004	Rule Returnable, AND NOW this 23rd day of June, 2004, upon consideration of the foregoing Motion for Partial Summary Judgment, Rule issued upon Defendant. Rule made returnable for a hearing the 19 day of July, 2004, at 9:30 a.m. in Courtroom No. 2. BY THE COURT: /s/Paul E. Cherry, Judge Four CC Attorney Hopkins	Paul E. Cherry
06/30/2004	Motion for Summary Judgment, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
07/02/2004	Rule to Show Cause, filed 2 cert. to Atty. Schmitt NOW, this 2nd day of July, 2004, RE: Rule returnable the 19th day of July.	Paul E. Cherry
07/15/2004	Response in Opposition to the Motion for Partial Summary Judgment filed by and on behalf of Lynn A. Sharp, as both Plaintiff and Defendant, filed by s/Eugene C. Sundberg, Jr. No CC	Paul E. Cherry
07/23/2004	Affidavit of Service, Request of Candace A. Eazor, Administrator, upon Lynn A. Sharp to Permit Inspection of Vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq., filed by s/Gregory M. Kruk, Esq. No CC	Paul E. Cherry
08/23/2004	Notice of Serving Answers to Expert Interrogatories Directed to Candace A. Eazor, on the 20th day of August, 2004, Filed by s/Eugene C. Sundberg, Jr., 1 cc Atty	Paul E. Cherry
10/22/2004	Order, NOW, this 22nd day of October, 2004, following oral argument and the submission of brief on the various Motions for Summary Judgment and for Partial Summary Judgment filed in this coordinated action, and after having considered the record as a whole, the Court finds as follows: (see original for details). BY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Atty	Paul E. Cherry
10/29/2004	Motion For Reconsideration, To The Honorable Paul E. Cherry, Judge of Said Court: AND NOW, comes Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor, by her Attorneys, Ferraro & Young, Attorneys at Law, and filed this Motion for Reconsideration of which the following is a concise summary: (See Original). Filed by s/Gregory Kruk, Esquire. 2 CC Atty.	Paul E. Cherry
	Certificate of Service of Motion for Reconsideration filed on behalf on Candace Eazor was forwarded to Counsel of record. 2 CC to Atty. Kruk	Paul E. Cherry

Clearfield County Court of Common Pleas
ROA Report
Case: 2002-01890-CD
Current Judge: Paul E. Cherry

Lynn A. Sharp vs. Candace A. Eazor

Civil Other

Date		Judge
11/02/2004	Rule to Show Cause: AND NOW, , this 1st day of Nov. 2004, a Rule is hereby granted to show cause why the Motion for Reconsideration filed by Ferraro & Young, Attorneys At Law, Attorneys for Candace A. Eazor, Administratrix, should not be granted. This Rule is returnable on the 24th day of November, 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse, at which time Oral Argument will be held. BY THE COURT, /s/ Paul E. Cherry, Judge. 2 CC Atty. Ferraro	Paul E. Cherry
11/05/2004	Objection to Motion for Reconsideration, filed by s/Louis C. Schmitt, Jr., Esq. No CC	Paul E. Cherry
11/12/2004	Order, AND NOW, this 10th day of Nov., 2004, it is the ORDER of the Court that argument on Attorney Schmitt's Objection to Motion for Reconsideration filed in the above matter has been scheduled for the 24th day of Nov., 2004 at 2:00 p.m. in Courtroom No. 2, Clfd. Co. Courthouse. BY THE COURT: /s/ Paul E. Cherry, Judge. 3 CC & Memo to Atty Schmidt.	Paul E. Cherry
11/18/2004	Filing: Appeal to High Court Paid by: Ferraro, R. Edward (attorney for Eazor, Candace A.) Receipt number: 1890587 Dated: 11/18/2004 Amount: $45.00 (Check) 1 Cert. with $60.00 check to Superior Court & 7 Cert. to Atty. Kruk.	Paul E. Cherry
	Proof of Service of Notice of Appeal, filed by Atty. Kruk 1 cert. to Superior and 7 cert. to Atty.	Paul E. Cherry
11/19/2004	Affidavit of Service, Copy of Order dated Nov. 10, 2004, served on 11-17-04 by 1st class mail upon Attys. Kruk, Hopkins, and Sundberg. Filed by s/ Louis C. Schmitt, Jr., Esquire. No CC.	Paul E. Cherry
12/02/2004	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004, filed. No CC	Paul E. Cherry
12/06/2004	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 2002-1890-CD filed.	Paul E. Cherry

I hereby certify this to be a true and attest: a copy of the original statement this case.

DEC 27 2004

Attest.

Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 02-1890-CD
Lynn A. Sharp
VS.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

ITEM NO.	*DATE OF FILING*	*NAME OF DOCUMENT*	*NO. OF PAGES*
01	12/06/02	Civil Complaint	07
02	01/03/03	Defendant's Preliminary Objections to Plaintiff's Complaint	05
03	01/23/03	Answer to Defendant's Preliminary Objections	04
04	01/29/03	Praecipe to Submit Verification	03
05	01/31/03	Sheriff Return	01
06	03/04/03	Petition for Change of Venue under Pennsylvania Rule of Civil Procedure 1006 (d) (1)	06
07	03/17/03	Praecipe for Entry of Appearance on Behalf of Defendant	03
08	05/28/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
09	09/18/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
10	09/18/03	Notice of Intent to Serve a Subpoena to Produce Documents and Things for Discovery Pursuant to PA R.C.P. 4009.21	04
11	12/17/03	Order, Re: argument on Defendant's Preliminary Objections and Petition for Change of Venue rescheduled	01
12	01/09/04	Order, Re: Preliminary Objections and Petition for Change of Venue Denied	01
13	02/17/04	Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	06
14	02/18/04	Rule to Show Cause, Rule Returnable scheduled	02
15	03/08/04	Answer to Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	04
16	03/08/04	Certificate of Service, Answer to Petition to Coordinate Actions Pursuant to Pa.R.C.P. 213.1	01
17	03/17/04	Order, Re: Argument on Plaintiff's Petition to Coordinate Actions scheduled	01
18	04/07/04	Amended Complaint	05
19	04/19/04	Answer and New Matter	11
20	04/23/04	Order, Re: Hearing scheduled cancelled; counsel shall submit signed stipulation	01
21	04/23/04	Answer to New Matter	04
22	05/12/04	Order, Re: Hearing to show why parties shall not be held in contempt scheduled	01
23	05/26/04	Order, Re: Contempt hearing cancelled	01
24	05/27/04	Consent Order	03
25	06/22/04	Motion for Partial Summary Judgment	06
26	06/23/04	Rule Returnable, Rule issued	02
27	06/30/04	Motion for Summary Judgment and Rule to Show Cause filed July 2, 2004	05
28	07/15/04	Response in Opposition to the Motion for Partial Summary Judgment	66
29	07/23/04	Affidavit of Service, Request of Candace A. Eazor upon Lynn Sharp to permit inspection of vehicle upon David J. Hopkins and Louis C. Schmitt, Jr., Esq.	01
30	08/23/04	Notice of Serving Answers to Expert Interrogatories Directed to Candace Eazor	01
31	10/22/04	Order, Re: Motions for Summary Judgment and Partial Summary Judgment	03
32	10/29/04	Motion for Reconsideration	17
33	10/29/04	Certificate of Service, Motion for Reconsideration	02
34	11/02/04	Rule to Show Cause, Rule returnable scheduled	02
35	11/05/04	Objection to Motion for Reconsideration	07
36	11/12/04	Order, Re: argument on Objection to Motion for Reconsideration scheduled	03
37	11/18/04	Notice of Appeal to High Court	06
38	11/18/04	Proof of Service of Notice of Appeal	02
39	11/19/04	Affidavit of Service, Order dated November 10, 2004, upon Attorneys Kruk, Hopkins, and Sundberg	Original not in file
40	12/02/04	Appeal Docket Sheet, Superior Court Number 2013 WDA 2004	03

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 02-1890-CD
Lynn A. Sharp
VS.
Candace A. Eazor, Administrator of the Estate of Richard A. Eazor

ITEM NO.	*DATE OF FILING*	*NAME OF DOCUMENT*	*NO. OF PAGES*
41	12/06/04	Transfer of Jefferson County Civil Case 2003-00048 to Clearfield County 02-1890-CD	276

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

I, **William A. Shaw**, Prothonotary/Clerk of Courts of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

Lynn A. Sharp
Vs.
Candace A. Eazor, Administratrix of the Estate of Richard A. Eazor
02-1890-CD

So full and entire as the same remains of record before the said Court, at **No. 02-1890-CD**

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 27TH Day of Dec., 2004.

Prothonotary/Clerk of Courts

I, **Paul E. Cherry,** Judge of the Forty-sixth Judicial District, do certify that **William A. Shaw**, by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said county, was at the time of so doing and now is Prothonotary/Clerk of Courts in and for said County of Clearfield, the Commonwealth of Pennsylvania, duly commissioned and qualified; to all of whose acts as such, full faith and credit are and ought to be given, as well in Courts of Judicature, as elsewhere, and that the said record, certificate and attestation are in due form of law and made by proper officer.

Judge

I, **William A. Shaw**, Prothonotary/Clerk of Courts of the Court of Common Pleas in and for said county, do certify that the Honorable **Paul E. Cherry,** Judge, by whom the foregoing attestation was made and who has thereunto subscribed his name was at the time of making thereof and still is Judge, in and for said county, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this ____ day of _____, _____.

Prothonotary/Clerk of Courts